

By the Committee on Transportation and Senator Sebesta

306-1598-01

1                                   A bill to be entitled  
2           An act relating to high-speed rail; creating s.  
3           341.821, F.S.; creating the Florida High-Speed  
4           Rail Authority; providing membership, terms,  
5           organization, and reimbursement of expenses;  
6           providing duties of the authority; relating to  
7           specified conflicts of interest with respect to  
8           authority members; assigning the authority to  
9           the Department of Transportation for  
10          administrative purposes; creating s. 341.822,  
11          F.S.; providing powers and duties of the  
12          authority; authorizing the authority to seek  
13          federal funds; providing applicable criteria;  
14          requiring submittal of a report; authorizing  
15          preparation and submittal of a request for  
16          information and a request for proposals;  
17          providing for agency assistance; providing an  
18          appropriation; providing an effective date.

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20           WHEREAS, the voters on November 7, 2000, approved a  
21          constitutional amendment directing the Legislature, the  
22          Cabinet, and the Governor to proceed with development of a  
23          high-speed rail system consisting of a monorail fixed guideway  
24          or magnetic levitation that is capable of speeds in excess of  
25          120 miles per hour, and

26           WHEREAS, the constitutional amendment called for the  
27          high-speed rail system to be developed by the state or a  
28          private entity pursuant to state approval and authorization,  
29          including the acquisition of right-of-way and the financial  
30          design, construction, and operation of the system, and

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1           WHEREAS, the selected technology must consist of  
2 dedicated rails or guideways that will link the five largest  
3 urban areas of the state and provide access to existing air  
4 and ground transportation facilities, and

5           WHEREAS, construction of the system must begin on or  
6 before November 1, 2003, NOW, THEREFORE,

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8 Be It Enacted by the Legislature of the State of Florida:

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10           Section 1. Section 341.821, Florida Statutes, is  
11 created to read:

12           341.821 Florida High-Speed Rail Authority.--

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

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

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

24           2. Three members shall be appointed by the President  
25 of the Senate, one of whom must have a background in civil  
26 engineering, one of whom must have a background in  
27 transportation construction, and one of whom must have a  
28 general business background.

29           3. Three members shall be appointed by the Speaker of  
30 the House of Representatives, one of whom must have a legal  
31 background, one of whom must have a background in financial

1 matters, and one of whom must have a general business  
2 background.

3 (b) The appointed members shall not be subject to  
4 confirmation by the Senate. The initial term of each member  
5 appointed by the Governor shall be for 4 years. The initial  
6 term of each member appointed by the President of the Senate  
7 shall be for 3 years. The initial term of each member  
8 appointed by the Speaker of the House of Representatives shall  
9 be for 2 years. Succeeding terms for all members shall be for  
10 terms of 4 years. Initial appointments must be made within 30  
11 days after the effective date of this act.

12 (c) A vacancy occurring during a term shall be filled  
13 by the respective appointing authority in the same manner as  
14 the original appointment and only for the balance of the  
15 unexpired term. An appointment to fill a vacancy shall be made  
16 within 60 days after the occurrence of the vacancy.

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

19 (e) The board shall elect one of its members as chair  
20 of the authority. The chair shall hold office at the will of  
21 the board. Five members of the board shall constitute a  
22 quorum, and the vote of five members shall be necessary for  
23 any action taken by the authority. The authority may meet upon  
24 the constitution of a quorum. No vacancy in the authority  
25 shall impair the right of a quorum of the board to exercise  
26 all rights and perform all duties of the authority.

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

30 (3) Notwithstanding any other law to the contrary, it  
31 shall not be or constitute a conflict of interest for a person

1 having a background specified in this section to serve as a  
2 member of the authority. However, in each official decision to  
3 which this act is applicable, such member's firm or related  
4 entity may not have a financial or economic interest nor shall  
5 the authority contract with or conduct any business with a  
6 member or such member's firm or directly related business  
7 entity.

8 (4) The authority shall be assigned to the Department  
9 of Transportation for administrative purposes. The authority  
10 shall be a separate budget entity, and the executive director  
11 shall be its agency head for all purposes. The Department of  
12 Transportation shall provide administrative support and  
13 service to the authority to the extent requested by the chair  
14 of the authority. The authority shall not be subject to  
15 control, supervision, or direction by the Department of  
16 Transportation in any manner, including, but not limited to,  
17 personnel, purchasing, transactions involving real or personal  
18 property, and budgetary matters.

19 Section 2. Section 341.822, Florida Statutes, is  
20 created to read:

21 341.822 Powers and duties.--

22 (1)(a) The authority created and established by this  
23 act shall plan, administer, and manage the preliminary  
24 engineering and preliminary environmental assessment of the  
25 intrastate high-speed rail system in the state, hereinafter  
26 referred to as "intrastate high-speed rail."

27 (b) The authority may exercise all powers granted to  
28 corporations under the Florida Business Corporation Act,  
29 chapter 607.

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

1           (d) The authority is authorized to seek federal  
2 matching funds or any other funds to fulfill the requirements  
3 of this act.

4           Section 3. (1) The following criteria shall apply in  
5 developing the preliminary engineering, preliminary  
6 environmental assessment, and recommendations required by this  
7 act:

8           (a) The train shall be capable of traveling speeds in  
9 excess of 120 miles per hour consisting of dedicated rails or  
10 guideways separated from motor vehicle traffic;

11           (b) The initial segments of the system will be  
12 developed and operated between St. Petersburg, Tampa, and  
13 Orlando, with future service to Miami, Jacksonville, and  
14 Pensacola;

15           (c) The authority is to develop a model that uses, to  
16 the maximum extent feasible, nongovernmental sources of  
17 funding for the design, construction, and operation of the  
18 system;

19           (2) The authority shall make recommendations  
20 concerning:

21           (a) The format and types of information that must be  
22 included in a financial or business plan for the high-speed  
23 rail system, and the authority may develop that financial or  
24 business plan;

25           (b) The preferred routes between the cities designated  
26 in paragraph (1)(b);

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

29           (d) The preferred locomotion technology to be employed  
30 from constitutional choices of monorail, fixed guideway, or  
31 magnetic levitation;

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

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

6           (3) When preparing the operating plan, the authority  
7 shall include:

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

10           (b) The proposed fare structure for passenger and  
11 freight service;

12           (c) Proposed trip times, system capacity, passenger  
13 accommodations, and amenities;

14           (d) Methods to ensure compliance with applicable  
15 environmental standards and regulations;

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

18           (f) An investment-grade ridership study that meets the  
19 criteria specified by applicable bond issuers;

20           (g) Consideration of nonfare revenues that may be  
21 derived from:

22           1. The sale of development rights at the stations;

23           2. License, franchise, and lease fees;

24           3. Sale of advertising space on the trains or in the  
25 stations; and

26           4. Any other potential sources deemed appropriate.

27           (h) An estimate of the total cost of the entire  
28 system, including, but not limited to, the costs to:

29           1. Design and build the stations and monorail, fixed  
30 guideway, or magnetic levitation system;

31           2. Acquire any necessary rights-of-way;

1           3. Purchase or lease rolling stock and other equipment  
2 necessary to build, operate, and maintain the system.

3           (i) An estimate of the annual operating and  
4 maintenance costs for the system and all other associated  
5 expenses.

6           (j) An estimate of the value of assets the state or  
7 its political subdivisions may provide as in-kind  
8 contributions for the system, including rights-of-way,  
9 engineering studies performed for previous high-speed rail  
10 initiatives, land for rail stations and necessary maintenance  
11 facilities, and any expenses that may be incurred by the state  
12 or its political subdivisions to accommodate the installation  
13 of the system.

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15 Whenever applicable and appropriate, the authority will base  
16 estimates of projected costs, expenses, and revenues on  
17 documented expenditures or experience derived from similar  
18 projects.

19           Section 4. The authority shall prepare a report of its  
20 actions, findings, and recommendations and submit the report  
21 to the Governor, the President of the Senate, and the Speaker  
22 of the House of Representatives on or before January 1, 2002.  
23 If statutory changes are recommended, the report shall contain  
24 proposed legislation necessary to implement those  
25 recommendations.

26           Section 5. The Department of Transportation is  
27 authorized to prepare and issue, subject to the authority's  
28 approval, a request for information and a request for  
29 proposals in order for the authority to contract for a  
30 consultant to assist the authority with fulfilling the  
31 requirements of this act. Furthermore, the authority may

1 enlist assistance or input from the private sector and from  
2 existing rail and fixed guideway system vendors or operators,  
3 including Amtrak. The Department of Transportation is  
4 directed to begin, as soon as possible, collecting and  
5 organizing existing research, studies, and reports concerning  
6 high-speed rail systems in preparation for the authority's  
7 first meeting.

8           Section 6. The Florida Transportation Commission, the  
9 Department of Community Affairs, and the Department of  
10 Environmental Protection shall, at the authority's request,  
11 provide technical, scientific, or other assistance. The  
12 Office of Legislative Services shall provide administrative  
13 support to the authority, if requested.

14           Section 7. There is appropriated from funds assigned  
15 to the Transportation Outreach Program to the authority the  
16 sum of \$8,000,000 for the purpose of performing its duties  
17 under this act. These funds shall be administered by the  
18 authority, and the funding for the authority, for its board,  
19 and for any consultant under the provisions of this act shall  
20 be allocated from this appropriation.

21           Section 8. This act shall take effect upon becoming a  
22 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB 1178

This CS creates the High-Speed Rail Authority. The authority will be comprised of nine voting members. The Florida Department of Transportation (FDOT) will serve as the primary staff for the authority. The CS provides criteria the authority must use in developing the preliminary engineering, preliminary environmental assessment, and recommendations required by this CS. The authority must prepare and submit a report of its actions, findings, and necessary statutory changes and recommendations to the President of the Senate and the Speaker of the House by January 1, 2002. The committee substitute authorizes the FDOT to prepare and issue a Request for Information and a Request for Proposal in order for the authority to hire consultants to aid in fulfilling the requirements of this CS. The committee substitute appropriates \$8 million from the Transportation Outreach Program to fund the work of the authority.