

By the Committees on Comprehensive Planning, Local and Military Affairs; Transportation; and Senator Sebesta

316-1728-01

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; providing for future

11 legislative review and repeal; creating s.

12 341.822, F.S.; providing powers and duties of

13 the authority; authorizing the authority to

14 seek federal funds; providing applicable

15 criteria; requiring submittal of a report;

16 authorizing the department to issue requests

17 for information and proposals; authorizing the

18 authority to request assistance from the

19 private sector; providing for agency

20 assistance; providing an appropriation;

21 providing an effective date.

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23 WHEREAS, the voters on November 7, 2000, approved a

24 constitutional amendment directing the Legislature, the

25 Cabinet, and the Governor to proceed with development of a

26 high-speed rail system consisting of a monorail fixed guideway

27 or magnetic levitation that is capable of speeds in excess of

28 120 miles per hour, and

29 WHEREAS, the constitutional amendment called for the

30 high-speed rail system to be developed by the state or a

31 private entity pursuant to state approval and authorization,

1 including the acquisition of right-of-way and the financial
2 design, construction, and operation of the system, and

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

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

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

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12 Section 1. Section 341.821, Florida Statutes, is
13 created to read:

14 341.821 Florida High-Speed Rail Authority.--

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

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

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

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

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1 3. Three members shall be appointed by the Speaker of
2 the House of Representatives, one of whom must have a legal
3 background, one of whom must have a background in financial
4 matters, and one of whom must have a general business
5 background.

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

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

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

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

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

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

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

23 (5) This section is repealed on March 15, 2002, unless
24 reviewed and saved from repeal through reenactment by the
25 Legislature.

26 Section 2. 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

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.

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 Section 3. (1) The following criteria shall apply in
12 developing the preliminary engineering, preliminary
13 environmental assessment, and recommendations required by this
14 act:

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

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

21 (c) The authority is to develop a model that uses, to
22 the maximum extent feasible, nongovernmental sources of
23 funding for the design, construction, and operation of the
24 system;

25 (2) The authority shall make recommendations
26 concerning:

27 (a) The format and types of information that must be
28 included in a financial or business plan for the high-speed
29 rail system, and the authority may develop that financial or
30 business plan;

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

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

5 (d) The preferred locomotion technology to be employed
6 from constitutional choices of monorail, fixed guideway, or
7 magnetic levitation;

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

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

13 (3) When preparing the operating plan, the authority
14 shall include:

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

17 (b) The proposed fare structure for passenger and
18 freight service;

19 (c) Proposed trip times, system capacity, passenger
20 accommodations, and amenities;

21 (d) Methods to ensure compliance with applicable
22 environmental standards and regulations;

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

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

26 (g) Consideration of nonfare revenues that may be
27 derived from:

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

29 2. License, franchise, and lease fees;

30 3. Sale of advertising space on the trains or in the
31 stations; and

1 4. Any other potential sources deemed appropriate.
2 (h) An estimate of the total cost of the entire
3 system, including, but not limited to, the costs to:
4 1. Design and build the stations and monorail, fixed
5 guideway, or magnetic levitation system;
6 2. Acquire any necessary rights-of-way;
7 3. Purchase or lease rolling stock and other equipment
8 necessary to build, operate, and maintain the system.
9 (i) An estimate of the annual operating and
10 maintenance costs for the system and all other associated
11 expenses.
12 (j) An estimate of the value of assets the state or
13 its political subdivisions may provide as in-kind
14 contributions for the system, including rights-of-way,
15 engineering studies performed for previous high-speed rail
16 initiatives, land for rail stations and necessary maintenance
17 facilities, and any expenses that may be incurred by the state
18 or its political subdivisions to accommodate the installation
19 of the system.
20 (k) An estimate of the funding required per year from
21 state funds for the next 30 years for operating the preferred
22 routes between the cities designated in paragraph (1)(b).
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24 Whenever applicable and appropriate, the authority will base
25 estimates of projected costs, expenses, and revenues on
26 documented expenditures or experience derived from similar
27 projects.
28 Section 4. The authority shall prepare a report of its
29 actions, findings, and recommendations and submit the report
30 to the Governor, the President of the Senate, and the Speaker
31 of the House of Representatives on or before January 1, 2002.

1 If statutory changes are recommended, the report shall contain
2 proposed legislation necessary to implement those
3 recommendations.

4 Section 5. The Department of Transportation may
5 prepare and issue a request for information from
6 private-sector entities regarding their interest in
7 participating in financing, building, and operating the
8 high-speed rail system in this state, and may issue a request
9 for proposals in order for the authority to contract with a
10 consultant to assist the authority in fulfilling the
11 requirements of this act. Furthermore, the authority may
12 enlist assistance or input from the private sector and from
13 existing rail and fixed guideway system vendors or operators,
14 including Amtrak. The Department of Transportation is directed
15 to begin, as soon as possible, collecting and organizing
16 existing research, studies, and reports concerning high-speed
17 rail systems in preparation for the authority's first meeting.

18 Section 6. The Florida Transportation Commission, the
19 Department of Community Affairs, and the Department of
20 Environmental Protection shall, at the authority's request,
21 provide technical, scientific, or other assistance.

22 Section 7. There is appropriated from funds assigned
23 to the Transportation Outreach Program to the authority the
24 sum of \$8,000,000 for the purpose of performing its duties
25 under this act. These funds shall be administered by the
26 authority, and the funding for the authority, for its board,
27 and for any consultant under the provisions of this act shall
28 be allocated from this appropriation.

29 Section 8. This act shall take effect upon becoming a
30 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 1178
4 This CS for the CS:
5 Provides for the repeal of the Florida High-Speed Rail
6 Authority on March 15, 2002;
7 Deletes a provision that the executive director shall be the
8 agency head of the authority for administrative purposes;
9 Deletes Jacksonville and Pensacola from the list of the
10 initial segments of the system;
11 Replaces a requirement for an investment-grade ridership study
12 with a detailed planning level ridership study;
13 Requires the operating plan prepared by the commission to
14 include an estimate of funding required from state funds for
15 the next 30 years; and
16 Deletes the Office of Legislative Services as an entity
17 required to provide the authority with assistance.
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