

Bill No. CS for CS for SB 2008, 1st Eng.

Amendment No.      Barcode 373610

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

.  
.  
.  
.  
.

Senator Laurent moved the following amendment:

**Senate Amendment (with title amendment)**

On page 56, between lines 5 and 6,

insert:

Section 33. 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.

2. Three members shall be appointed by the President

Bill No. CS for CS for SB 2008, 1st Eng.

Amendment No. \_\_\_\_ Barcode 373610

1 of the Senate, one of whom must have a background in civil  
2 engineering, one of whom must have a background in  
3 transportation construction, and one of whom must have a  
4 general business background.

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

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

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

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

26 (e) The board shall elect one of its members as chair  
27 of the authority. The chair shall hold office at the will of  
28 the board. Five members of the board shall constitute a  
29 quorum, and the vote of five members shall be necessary for  
30 any action taken by the authority. The authority may meet upon  
31 the constitution of a quorum. No vacancy in the authority

Bill No. CS for CS for SB 2008, 1st Eng.

Amendment No. \_\_\_\_ Barcode 373610

1 shall impair the right of a quorum of the board to exercise  
2 all rights and perform all duties of the authority.

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

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

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

25 Section 34. Section 341.822, Florida Statutes, is  
26 created to read:

27 341.822 Powers and duties.--

28 (1)(a) The authority created and established by this  
29 act shall plan, administer, and manage the preliminary  
30 engineering and preliminary environmental assessment of the  
31 intrastate high-speed rail system in the state, hereinafter

Bill No. CS for CS for SB 2008, 1st Eng.

Amendment No.      Barcode 373610

1 referred to as "intrastate high-speed rail."

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

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

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

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

17 Section 35. (1) The following criteria shall apply in  
18 developing the preliminary engineering, preliminary  
19 environmental assessment, and recommendations required by this  
20 act:

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

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

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

31 (2) The authority shall make recommendations

Bill No. CS for CS for SB 2008, 1st Eng.

Amendment No.      Barcode 373610

1 concerning:

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (g) Consideration of nonfare revenues that may be

Bill No. CS for CS for SB 2008, 1st Eng.

Amendment No. \_\_\_\_ Barcode 373610

1 derived from:

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

3 2. License, franchise, and lease fees;

4 3. Sale of advertising space on the trains or in the  
5 stations; and

6 4. Any other potential sources deemed appropriate.

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

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

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

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

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

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

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

28

29 Whenever applicable and appropriate, the authority will base  
30 estimates of projected costs, expenses, and revenues on  
31 documented expenditures or experience derived from similar

Bill No. CS for CS for SB 2008, 1st Eng.

Amendment No.      Barcode 373610

1 projects.

2           Section 36. The authority shall prepare a report of  
3 its actions, findings, and recommendations and submit the  
4 report to the Governor, the President of the Senate, and the  
5 Speaker of the House of Representatives on or before January  
6 1, 2002. If statutory changes are recommended, the report  
7 shall contain proposed legislation necessary to implement  
8 those recommendations.

9           Section 37. The Department of Transportation may  
10 prepare and issue a request for information from  
11 private-sector entities regarding their interest in  
12 participating in financing, building, and operating the  
13 high-speed rail system in this state, and may issue a request  
14 for proposals in order for the authority to contract with a  
15 consultant to assist the authority in fulfilling the  
16 requirements of this act. Furthermore, the authority may  
17 enlist assistance or input from the private sector and from  
18 existing rail and fixed guideway system vendors or operators,  
19 including Amtrak. The Department of Transportation is directed  
20 to begin, as soon as possible, collecting and organizing  
21 existing research, studies, and reports concerning high-speed  
22 rail systems in preparation for the authority's first meeting.

23           Section 38. The Florida Transportation Commission, the  
24 Department of Community Affairs, and the Department of  
25 Environmental Protection shall, at the authority's request,  
26 provide technical, scientific, or other assistance.

27           Section 39. There is appropriated from funds assigned  
28 to the Transportation Outreach Program to the authority the  
29 sum of \$4,500,000 for the purpose of performing its duties  
30 under this act. These funds shall be administered by the  
31 authority, and the funding for the authority, for its board,

Bill No. CS for CS for SB 2008, 1st Eng.

Amendment No. \_\_\_\_ Barcode 373610

1 and for any consultant under the provisions of this act shall  
2 be allocated from this appropriation.

3  
4 (Redesignate subsequent sections.)

5  
6  
7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 On page 7, line 22, after the semicolon,

10  
11 insert:

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

30  
31