

Bill No. CS for CS for CS for SB's 310 & 380

Amendment No. Barcode 202068

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Laurent moved the following amendment to amendment (085144):

Senate Amendment (with title amendment)

On page 108, between lines 16 and 17,

insert:

Section 37. 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 38. 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 39. (1) The following criteria shall apply in
19 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 40. 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 41. 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 42. The Florida Transportation Commission, the
25 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 43. 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.

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5 (Redesignate subsequent sections.)

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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 114, line 16, 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;

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