

Bill No. HB 489, 2nd Eng.

Amendment No. Barcode 211556

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. 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

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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

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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 2. 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

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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 3. (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

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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

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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).

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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

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1 projects.

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

9 Section 5. 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 6. 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 7. There is appropriated from funds assigned
28 to the Transportation Outreach Program to the authority the
29 sum of \$8,000,000 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,

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

3 Section 8. This act shall take effect upon becoming a
4 law.

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

8 And the title is amended as follows:

9 Delete everything before the enacting clause

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11 and insert:

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A bill to be entitled

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An act relating to high-speed rail; creating s.

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341.821, F.S.; creating the Florida High-Speed

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Rail Authority; providing membership, terms,

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organization, and reimbursement of expenses;

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providing duties of the authority; relating to

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specified conflicts of interest with respect to

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authority members; assigning the authority to

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the Department of Transportation for

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administrative purposes; providing for future

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legislative review and repeal; creating s.

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

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the authority; authorizing the authority to

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seek federal funds; providing applicable

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criteria; requiring submittal of a report;

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authorizing the department to issue requests

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for information and proposals; authorizing the

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authority to request assistance from the

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private sector; providing for agency

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assistance; providing an appropriation;

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