

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

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25           Section 1. Section 341.821, Florida Statutes, is  
26 created to read:

27           341.821 Florida High-Speed Rail Authority.--  
28           (1) There is created and established a body politic  
29           and corporate, an agency of the state, to be known as the  
30           "Florida High-Speed Rail Authority," hereinafter referred to  
31           as the "authority."

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

3           1. Three members shall be appointed by the Governor,  
4 one of whom must have a background in the area of  
5 environmental concerns, one of whom must have a legislative  
6 background, and one of whom must have a general business  
7 background.

8           2. Three members shall be appointed by the President  
9 of the Senate, one of whom must have a background in civil  
10 engineering, one of whom must have a background in  
11 transportation construction, and one of whom must have a  
12 general business background.

13           3. Three members shall be appointed by the Speaker of  
14 the House of Representatives, one of whom must have a legal  
15 background, one of whom must have a background in financial  
16 matters, and one of whom must have a general business  
17 background.

18           (b) The appointed members shall not be subject to  
19 confirmation by the Senate. The initial term of each member  
20 appointed by the Governor shall be for 4 years. The initial  
21 term of each member appointed by the President of the Senate  
22 shall be for 3 years. The initial term of each member  
23 appointed by the Speaker of the House of Representatives shall  
24 be for 2 years. Succeeding terms for all members shall be for  
25 terms of 4 years. Initial appointments must be made within 30  
26 days after the effective date of this act.

27           (c) A vacancy occurring during a term shall be filled  
28 by the respective appointing authority in the same manner as  
29 the original appointment and only for the balance of the  
30 unexpired term. An appointment to fill a vacancy shall be made  
31 within 60 days after the occurrence of the vacancy.

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

3           (e) The board shall elect one of its members as chair  
4 of the authority. The chair shall hold office at the will of  
5 the board. Five members of the board shall constitute a  
6 quorum, and the vote of five members shall be necessary for  
7 any action taken by the authority. The authority may meet upon  
8 the constitution of a quorum. No vacancy in the authority  
9 shall impair the right of a quorum of the board to exercise  
10 all rights and perform all duties of the authority.

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

14           (3) Notwithstanding any other law to the contrary, it  
15 shall not be or constitute a conflict of interest for a person  
16 having a background specified in this section to serve as a  
17 member of the authority. However, in each official decision to  
18 which this act is applicable, such member's firm or related  
19 entity may not have a financial or economic interest nor shall  
20 the authority contract with or conduct any business with a  
21 member or such member's firm or directly related business  
22 entity.

23           (4) The authority shall be assigned to the Department  
24 of Transportation for administrative purposes. The authority  
25 shall be a separate budget entity. The Department of  
26 Transportation shall provide administrative support and  
27 service to the authority to the extent requested by the chair  
28 of the authority. The authority shall not be subject to  
29 control, supervision, or direction by the Department of  
30 Transportation in any manner, including, but not limited to,  
31

1 personnel, purchasing, transactions involving real or personal  
2 property, and budgetary matters.

3 Section 2. Section 341.822, Florida Statutes, is  
4 created to read:

5 341.822 Powers and duties.--

6 (1)(a) The authority created and established by this  
7 act shall plan, administer, and manage the preliminary  
8 engineering and preliminary environmental assessment of the  
9 intrastate high-speed rail system in the state, hereinafter  
10 referred to as "intrastate high-speed rail."

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

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

16 (d) The authority is authorized to seek federal  
17 matching funds or any other funds to fulfill the requirements  
18 of this act.

19 (e) The authority may employ an executive director,  
20 permanent or temporary, as it may require and shall determine  
21 the qualifications and fix the compensation. The authority may  
22 delegate to one or more of its agents or employees such of its  
23 power as it deems necessary to carry out the purposes of this  
24 act, subject always to the supervision and control of the  
25 authority.

26 Section 3. (1) The following criteria shall apply in  
27 developing the preliminary engineering, preliminary  
28 environmental assessment, and recommendations required by this  
29 act:

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

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

7           (c) The authority is to develop a model that uses, to  
8 the maximum extent feasible, nongovernmental sources of  
9 funding for the design, construction, and operation of the  
10 system;

11           (2) The authority shall make recommendations  
12 concerning:

13           (a) The format and types of information that must be  
14 included in a financial or business plan for the high-speed  
15 rail system, and the authority may develop that financial or  
16 business plan;

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

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

21           (d) The preferred locomotion technology to be employed  
22 from constitutional choices of monorail, fixed guideway, or  
23 magnetic levitation;

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

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

29           (3) When preparing the operating plan, the authority  
30 shall include:

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

3           (b) The proposed fare structure for passenger and  
4 freight service;

5           (c) Proposed trip times, system capacity, passenger  
6 accommodations, and amenities;

7           (d) Methods to ensure compliance with applicable  
8 environmental standards and regulations;

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

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

12           (g) Consideration of nonfare revenues that may be  
13 derived from:

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

15                 2. License, franchise, and lease fees;

16                 3. Sale of advertising space on the trains or in the  
17 stations; and

18                 4. Any other potential sources deemed appropriate.

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

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

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

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

26           (i) An estimate of the annual operating and  
27 maintenance costs for the system and all other associated  
28 expenses.

29           (j) An estimate of the value of assets the state or  
30 its political subdivisions may provide as in-kind  
31 contributions for the system, including rights-of-way,

1 engineering studies performed for previous high-speed rail  
2 initiatives, land for rail stations and necessary maintenance  
3 facilities, and any expenses that may be incurred by the state  
4 or its political subdivisions to accommodate the installation  
5 of the system.

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

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10 Whenever applicable and appropriate, the authority will base  
11 estimates of projected costs, expenses, and revenues on  
12 documented expenditures or experience derived from similar  
13 projects.

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

21 Section 5. The Department of Transportation may  
22 prepare and issue a request for information from  
23 private-sector entities regarding their interest in  
24 participating in financing, building, and operating the  
25 high-speed rail system in this state, and may issue a request  
26 for proposals in order for the authority to contract with a  
27 consultant to assist the authority in fulfilling the  
28 requirements of this act. Furthermore, the authority may  
29 enlist assistance or input from the private sector and from  
30 existing rail and fixed guideway system vendors or operators,  
31 including Amtrak. The Department of Transportation is directed

1 to begin, as soon as possible, collecting and organizing  
2 existing research, studies, and reports concerning high-speed  
3 rail systems in preparation for the authority's first meeting.

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

8 Section 7. There is appropriated from funds assigned  
9 to the Transportation Outreach Program to the authority the  
10 sum of \$4,500,000 for the purpose of performing its duties  
11 under this act. These funds shall be administered by the  
12 authority, and the funding for the authority, for its board,  
13 and for any consultant under the provisions of this act shall  
14 be allocated from this appropriation.

15 Section 8. This act shall take effect upon becoming a  
16 law.