

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on State Administration offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

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) Members of the governing board shall not be  
11 subject to confirmation by the Senate. For the purpose of  
12 providing staggered terms, of the initial appointments, three  
13 members shall be appointed for terms of 4 years, three members  
14 shall be appointed for terms of 3 years, and three members  
15 shall be appointed for terms of 2 years. Succeeding terms for  
16 all members shall be for terms of 4 years. Initial  
17 appointments must be made within 30 days after the effective  
18 date of this act.

19 (c) A vacancy occurring during a term shall be filled  
20 in the same manner as the original appointment and only for  
21 the balance of the unexpired term. An appointment to fill a  
22 vacancy shall be made within 60 days after the occurrence of  
23 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, and the executive director  
18 shall be its agency head for all purposes. 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 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

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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.

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 shall be  
19 developed and operated between Tampa, Lakeland, and Orlando,  
20 with future service to St. Petersburg, Miami, Jacksonville,  
21 and Pensacola; and

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

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

28 (a) The format and types of information that must be  
29 included in a financial or business plan for the high-speed  
30 rail system, and the authority may develop that financial or  
31 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) An investment-grade ridership study that meets the  
26 criteria specified by applicable bond issuers;

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

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

30           2. License, franchise, and lease fees;

31           3. Sale of advertising space on the trains or in the

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- 1 stations; and  
2 4. Any other potential sources deemed appropriate;  
3 (h) An estimate of the total cost of the entire  
4 system, including, but not limited to, the costs to:  
5 1. Design and build the stations and monorail, fixed  
6 guideway, or magnetic levitation system;  
7 2. Acquire any necessary rights-of-way; and  
8 3. Purchase or lease rolling stock and other equipment  
9 necessary to build, operate, and maintain the system;  
10 (i) An estimate of the annual operating and  
11 maintenance costs for the system and all other associated  
12 expenses; and  
13 (j) An estimate of the value of assets the state or  
14 its political subdivisions may provide as in-kind  
15 contributions for the system, including rights-of-way,  
16 engineering studies performed for previous high-speed rail  
17 initiatives, land for rail stations and necessary maintenance  
18 facilities, and any expenses that may be incurred by the state  
19 or its political subdivisions to accommodate the installation  
20 of the system.

21  
22 Whenever applicable and appropriate, the authority shall base  
23 estimates of projected costs, expenses, and revenues on  
24 documented expenditures or experience derived from similar  
25 projects.

26 Section 4. The authority shall prepare a report of its  
27 actions, findings, and recommendations and submit the report  
28 to the Governor, the President of the Senate, and the Speaker  
29 of the House of Representatives on or before January 1, 2002.  
30 If statutory changes are recommended, the report shall contain  
31 proposed legislation necessary to implement those

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1 recommendations.

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

15           Section 6. The Florida Transportation Commission, the  
16 Department of Community Affairs, and the Department of  
17 Environmental Protection shall, at the authority's request,  
18 provide technical, scientific, or other assistance. The  
19 Office of Legislative Services shall provide administrative  
20 support to the authority, if requested.

21           Section 7. There is appropriated to the authority from  
22 funds assigned to the Transportation Outreach Program the sum  
23 of \$10 million for the purpose of performing its duties under  
24 this act. These funds shall be administered by the authority,  
25 and the funding for the authority, for its board, and for any  
26 consultant under the provisions of this act shall be allocated  
27 from this appropriation.

28           Section 8. This act shall take effect upon becoming a  
29 law.  
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 remove from the title of the bill: the entire title

4

5 and insert in lieu thereof:

6 A bill to be entitled

7 An act relating to high-speed rail; creating s.  
8 341.821, F.S.; creating the Florida High-Speed  
9 Rail Authority; providing membership, terms,  
10 organization, and reimbursement of expenses;  
11 providing duties of the authority; providing  
12 construction relating to specified conflicts of  
13 interest with respect to authority members;  
14 assigning the authority to the Department of  
15 Transportation for administrative purposes;  
16 creating s. 341.822, F.S.; providing powers and  
17 duties of the authority; authorizing the  
18 authority to seek federal funds; providing  
19 applicable criteria; requiring submittal of a  
20 report; authorizing preparation and submittal  
21 of a request for information and a request for  
22 proposals; providing for agency assistance;  
23 providing an appropriation; providing an  
24 effective date.

25

26 WHEREAS, the voters on November 7, 2000, approved a  
27 constitutional amendment directing the Legislature, the  
28 Cabinet, and the Governor to proceed with development of a  
29 high-speed rail system consisting of a monorail, fixed  
30 guideway, or magnetic levitation that is capable of speeds in  
31 excess of 120 miles per hour, and



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1           WHEREAS, the constitutional amendment called for the  
 2 high-speed rail system to be developed by the state or a  
 3 private entity pursuant to state approval and authorization,  
 4 including the acquisition of right-of-way and the financial  
 5 design, construction, and operation of the system, and

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

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

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