

By the Fiscal Responsibility Council and Representatives  
Ross, Dockery, Ritter, Greenstein, Murman, Negrón, Gottlieb,  
Argenziano, Clarke, Holloway, Cusack, Attkisson, Bowen, Smith,  
Sobel, Garcia, Lee, Flanagan, Lacasa and Farkas

1                                   A bill to be entitled  
2           An act relating to high-speed rail  
3           transportation; creating the "Florida  
4           High-Speed Rail Authority Act"; creating s.  
5           341.8201, F.S.; providing a short title;  
6           creating s. 341.8202, F.S.; providing  
7           legislative findings, policy, purpose, and  
8           intent with respect to the development, design,  
9           financing, construction, and operation of a  
10          high-speed rail system in the state; creating  
11          s. 341.8203, F.S.; providing definitions;  
12          amending s. 341.821, F.S., relating to the  
13          creation of the Florida High-Speed Rail  
14          Authority; removing obsolete provisions;  
15          amending s. 341.822, F.S.; revising and  
16          providing additional powers and duties of the  
17          authority; amending s. 341.823, F.S.; revising  
18          the criteria for assessment and recommendations  
19          with respect to the establishment of the  
20          high-speed rail system; requiring the authority  
21          to establish specified requirements; requiring  
22          the authority to develop a specified plan,  
23          study, and estimates; amending s. 341.824,  
24          F.S.; specifying types of technical,  
25          scientific, or other assistance to be provided  
26          by the Department of Community Affairs and the  
27          Department of Environmental Protection;  
28          creating s. 341.827, F.S.; providing for  
29          determination of service areas and the order of  
30          system segment construction; creating s.  
31          341.828, F.S.; authorizing the authority to

1           utilize existing permitting processes;  
2           requiring cooperation between the authority and  
3           metropolitan planning organizations; creating  
4           s. 341.829, F.S.; requiring the authority, in  
5           conjunction with the Executive Office of the  
6           Governor, the Department of Community Affairs,  
7           and the Department of Environmental Protection,  
8           to develop and implement a process to mitigate  
9           and resolve conflicts between the system and  
10          growth management requirements and  
11          environmental standards; providing time limits  
12          for the filing of and response to specified  
13          complaints; creating s. 341.830, F.S.;  
14          authorizing the authority to employ specified  
15          procurement methods; providing for the adoption  
16          of rules; authorizing the authority to procure  
17          commodities and services for the designing,  
18          building, financing, maintenance, operation,  
19          and implementation of a high-speed rail system;  
20          creating s. 341.831, F.S.; authorizing the  
21          authority to prequalify interested persons or  
22          entities prior to seeking proposals for the  
23          design, construction, operation, maintenance,  
24          and financing of the high-speed rail system;  
25          providing for the establishment of qualifying  
26          criteria; creating s. 341.832, F.S.;  
27          authorizing the authority to develop and  
28          execute a request for qualifications process;  
29          creating s. 341.833, F.S.; authorizing the  
30          authority to develop and execute a request for  
31          proposals process to seek a person or entity to

1 design, build, operate, maintain, and finance a  
2 high-speed rail system; creating s. 341.834,  
3 F.S.; providing for award of a conditional  
4 contract; providing contract requirements;  
5 prohibiting transfer of system property without  
6 written approval; creating s. 341.835, F.S.;  
7 authorizing the authority to purchase, lease,  
8 exchange, or acquire land, property, or  
9 buildings necessary to secure or utilize  
10 rights-of-way for high-speed rail system  
11 facilities; providing that the authority is not  
12 subject to specified liability; authorizing the  
13 authority and the Department of Environmental  
14 Protection to enter into certain interagency  
15 agreements; providing for the disposal of  
16 interest in property; authorizing agents and  
17 employees of the authority to enter upon  
18 certain property; authorizing the authority to  
19 accept donations of real property; creating s.  
20 341.836, F.S.; authorizing the authority to  
21 undertake the development of associated  
22 developments; providing requirements of  
23 associated developments; creating s. 341.837,  
24 F.S.; providing for payment of expenses  
25 incurred in carrying out the act; creating s.  
26 341.838, F.S.; authorizing the authority to  
27 fix, revise, charge, collect, and adjust rates,  
28 rents, fees, charges, and revenues, and to  
29 enter into contracts; providing for annual  
30 review by the authority of rates, rents, fees,  
31 and charges; providing for uses of revenues;

1 creating s. 341.839, F.S.; providing that the  
2 act is supplemental and additional to powers  
3 conferred by other laws; exempting powers of  
4 the authority from specified supervision,  
5 approval, or consent; creating s. 341.840,  
6 F.S.; providing tax exemptions for property  
7 acquired or used by the authority or specified  
8 income; creating s. 341.841, F.S.; requiring  
9 the authority to prepare and submit a report;  
10 providing for an annual audit; creating s.  
11 341.842, F.S.; providing construction of the  
12 act; amending s. 288.109, F.S.; removing a  
13 cross reference; amending s. 334.30, F.S.;  
14 removing a cross reference; amending s.  
15 337.251, F.S.; removing a cross reference;  
16 amending s. 341.501, F.S.; providing that  
17 specified actions do not apply to the Florida  
18 High-Speed Rail Authority Act; repealing s.  
19 341.3201, F.S., relating to the short title for  
20 ss. 341.3201-341.386, F.S., the "Florida  
21 High-Speed Rail Transportation Act"; repealing  
22 s. 341.321, F.S., relating to legislative  
23 findings, policy, purpose, and intent with  
24 respect to the development of a high-speed rail  
25 transportation system connecting the major  
26 urban areas of the state; repealing s. 341.322,  
27 F.S., relating to definitions of terms;  
28 repealing s. 341.325, F.S., relating to special  
29 powers and duties of the Department of  
30 Transportation; repealing s. 341.327, F.S.,  
31 which provides that the Florida High-Speed Rail

1           Transportation Act is the sole and exclusive  
2           determination of need for any high-speed rail  
3           transportation system established under the  
4           act, thereby preempting specified  
5           determinations of need; repealing s. 341.329,  
6           F.S., relating to the issuance of bonds to  
7           finance a high-speed rail transportation  
8           system; repealing s. 341.331, F.S., relating to  
9           designation of the areas of the state to be  
10          served by the high-speed rail transportation  
11          system and designation of termini; repealing s.  
12          341.332, F.S., relating to the award of  
13          franchises by the Department of Transportation  
14          to establish a high-speed rail transportation  
15          system; repealing s. 341.3331, F.S., relating  
16          to request for proposals; repealing s.  
17          341.3332, F.S., relating to notice of issuance  
18          of request for proposals; repealing s.  
19          341.3333, F.S., relating to requirements with  
20          respect to an application for franchise, and  
21          confidentiality of the application and portions  
22          of the application relating to trade secrets;  
23          repealing s. 341.3334, F.S., relating to the  
24          departmental review process of application for  
25          franchise; repealing s. 341.3335, F.S.,  
26          relating to interagency coordination of  
27          franchise application review; repealing s.  
28          341.3336, F.S., relating to public meetings on  
29          franchise applications; repealing s. 341.3337,  
30          F.S., relating to determination and award of  
31          franchise; repealing s. 341.3338, F.S.,

1 relating to effect of franchise; repealing s.  
2 341.3339, F.S., relating to postfranchise  
3 agreements; repealing s. 341.334, F.S.,  
4 relating to the powers and duties of the  
5 Department of Transportation with respect to  
6 the act; repealing s. 341.335, F.S., relating  
7 to the powers and duties of the Florida Land  
8 and Water Adjudicatory Commission sitting as  
9 the board; repealing s. 341.336, F.S., relating  
10 to the powers and duties of the Department of  
11 Environmental Protection, the Department of  
12 Community Affairs, and other affected agencies;  
13 repealing s. 341.3365, F.S., relating to  
14 certification procedures; repealing s. 341.342,  
15 F.S., relating to agreements concerning  
16 contents of certification application and  
17 supporting documentation; repealing s. 341.343,  
18 F.S., relating to review of certification  
19 applications; repealing s. 341.344, F.S.,  
20 relating to the establishment, composition,  
21 organization, and duties of the Citizens'  
22 Planning and Environmental Advisory Committee;  
23 repealing s. 341.345, F.S., relating to  
24 alternate corridors or transit station  
25 locations; repealing s. 341.346, F.S., relating  
26 to the powers and duties of an administrative  
27 law judge appointed to conduct hearings under  
28 the act; repealing s. 341.3465, F.S., relating  
29 to alteration of time limitations specified by  
30 the act; repealing s. 341.347, F.S., relating  
31 to required combined public meetings and land

1 use and zoning hearings to be conducted by  
2 local governments; repealing s. 341.348, F.S.,  
3 relating to reports and studies required of  
4 various agencies by the act; repealing s.  
5 341.351, F.S., relating to publication and  
6 contents of notice of certification application  
7 and proceedings; repealing s. 341.352, F.S.,  
8 relating to certification hearings; repealing  
9 s. 341.353, F.S., relating to final disposition  
10 of certification applications; repealing s.  
11 341.363, F.S., relating to the effect of  
12 certification; repealing s. 341.364, F.S.,  
13 relating to a franchisee's right to appeal to  
14 the Florida Land and Water Adjudicatory  
15 Commission under specified circumstances;  
16 repealing s. 341.365, F.S., relating to  
17 associated development; repealing s. 341.366,  
18 F.S., relating to recording of notice of  
19 certified corridor route; repealing s. 341.368,  
20 F.S., relating to modification of certification  
21 or franchise; repealing s. 341.369, F.S.,  
22 relating to fees imposed by the department and  
23 the disposition of such fees; repealing s.  
24 341.371, F.S., relating to revocation or  
25 suspension of franchise or certification;  
26 repealing s. 341.372, F.S., relating to  
27 imposition by the department of specified  
28 administrative fines in lieu of revocation or  
29 suspension of franchise; repealing s. 341.375,  
30 F.S., relating to the required participation by  
31 women, minorities, and economically

1           disadvantaged individuals in all phases of the  
2           design, construction, maintenance, and  
3           operation of a high-speed rail transportation  
4           system developed under the act, and required  
5           plans for compliance by franchisees; repealing  
6           s. 341.381, F.S., relating to applicability of  
7           the act; repealing s. 341.382, F.S., relating  
8           to laws and regulations superseded by the act;  
9           repealing s. 341.383, F.S., relating to the  
10          authority of local governments to assess  
11          specified fees; repealing s. 341.386, F.S.,  
12          relating to the admissibility of the award of a  
13          franchise and of a certification under the act  
14          in eminent domain proceedings; providing  
15          effective dates.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Section 341.8201, Florida Statutes, is  
20 created to read:

21           341.8201 Short title.--Sections 341.8201-341.843 may  
22 be cited as the "Florida High-Speed Rail Authority Act."

23           Section 2. Section 341.8202, Florida Statutes, is  
24 created to read:

25           341.8202 Legislative findings, policy, purpose, and  
26 intent.--

27           (1) The intent of this act is to implement the purpose  
28 of s. 19, Art. X of the State Constitution, which directs the  
29 Legislature, the Cabinet and the Governor to proceed with the  
30 development, either by the state or an approved private  
31 entity, of a high-speed monorail, fixed guideway, or magnetic



1 levitation system, capable of speeds in excess of 120 miles  
2 per hour. The development of such a system, which will link  
3 Florida's five largest urban areas as defined in this act,  
4 includes acquisition of right-of-way and the financing of  
5 design and construction with construction beginning on or  
6 before November 1, 2003. Further, this act promotes the  
7 various growth management and environmental protection laws  
8 enacted by the Legislature and encourages and enhances the  
9 establishment of a high-speed rail system. The Legislature  
10 further finds that:

11 (a) The implementation of a high-speed rail system in  
12 the state will result in overall social and environmental  
13 benefits, improvements in ambient air quality, better  
14 protection of water quality, greater preservation of wildlife  
15 habitat, less use of open space, and enhanced conservation of  
16 natural resources and energy.

17 (b) A high-speed rail system, when developed in  
18 conjunction with sound land use planning, becomes an integral  
19 part in achieving growth management goals and encourages the  
20 use of public transportation to augment and implement land use  
21 and growth management goals and objectives.

22 (c) Development and utilization of a properly  
23 designed, constructed, and financed high-speed rail system and  
24 associated development can act as a catalyst for economic  
25 growth and development, mitigate unduly long and  
26 traffic-congested commutes for day-to-day commuters, create  
27 new employment opportunities, serve as a positive growth  
28 management system for building a better and more  
29 environmentally secure state, and serve a paramount public  
30 purpose by promoting the health, safety, and welfare of the  
31 citizens of the state.

1           (d) Transportation benefits of a high-speed rail  
2 system include improved travel times and more reliable travel,  
3 which will increase productivity and energy efficiency in the  
4 state.

5           (2) The Legislature further finds that:

6           (a) Access to timely and efficient modes of passenger  
7 transportation is necessary for travelers, visitors, and  
8 day-to-day commuters, to the quality of life in the state, and  
9 to the economy of the state.

10           (b) Technological advances in the state's  
11 transportation system can significantly and positively affect  
12 the ability of the state to attract and provide efficient  
13 services for domestic and international tourists and therefore  
14 increase revenue of the state.

15           (c) The geography of the state is suitable for the  
16 construction and efficient operation of a high-speed rail  
17 system.

18           (d) The public use of the high-speed rail system must  
19 be encouraged and assured in order to achieve the public  
20 purpose and objectives set forth in this act. In order to  
21 encourage the public use of the high-speed rail system and to  
22 protect the public investment in the system, it is necessary  
23 to provide an environment surrounding each high-speed rail  
24 station which will allow the development of associated  
25 development for the purpose of creating revenue in support of  
26 and for the high-speed rail system, enhance the safe movement  
27 of pedestrians and traffic into and out of the area, ensure  
28 the personal safety of high-speed rail system and related  
29 facility users and their personal property while the users are  
30 in the area of each station, and eliminate all conditions in  
31 the vicinity which constitute economic and social impediments

1 and barriers to the use of the high-speed rail system and  
2 associated development.

3 (e) Areas surrounding certain proposed high-speed rail  
4 stations can, as a result of existing conditions, crime, and  
5 traffic congestion, pose a serious threat to the use of the  
6 high-speed rail system, reduce revenue from users, discourage  
7 pedestrian and traffic ingress and egress, retard sound growth  
8 and development, impair public investment, and consume an  
9 excessive amount of public revenues in the employment of  
10 police and other forms of public protection to adequately  
11 safeguard the high-speed rail system and its users. Such areas  
12 may require redevelopment, acquisition, clearance, or  
13 disposition, or joint public and private development to  
14 provide parking facilities, retail establishments,  
15 restaurants, hotels, or office facilities associated with or  
16 ancillary to the high-speed rail system and rail stations and  
17 to otherwise provide for an environment that will encourage  
18 the use of, and safeguard, the system.

19 (f) The powers conferred by this act are for public  
20 uses and purposes as established by s. 19, Art. X of the State  
21 Constitution for which public funds may be expended, and the  
22 necessity in the public interest for the provisions herein  
23 enacted is hereby declared as a matter of legislative  
24 determination to implement the intent of s. 19, Art. X of the  
25 State Constitution.

26 (g) Urban and social benefits include revitalization  
27 of economically depressed areas, the redirection of growth in  
28 a carefully and comprehensively planned manner, and the  
29 creation of numerous employment opportunities within  
30 inner-city areas.

31

1       (h) The provisions contained in this act are a  
2 declaration of legislative intent that the state develop a  
3 high-speed rail system to help solve transportation problems  
4 and eliminate their negative effect on the citizens of this  
5 state, and therefore serves a public purpose.

6       (i) Joint development is a necessary planning,  
7 financing, management, operation, and construction mechanism  
8 to ensure the continued future development of an efficient and  
9 economically viable high-speed rail system in this state.

10       (3) It is the intent of the Legislature to authorize  
11 the authority to implement innovative mechanisms required to  
12 effect the joint public-private venture approach to planning,  
13 locating, permitting, managing, financing, constructing,  
14 operating, and maintaining a high-speed rail system for the  
15 state, including providing incentives for revenue generation,  
16 operation, construction, and management by the private sector.

17       Section 3. Section 341.8203, Florida Statutes, is  
18 created to read:

19       341.8203 Definitions.--As used in this act, unless the  
20 context clearly indicates otherwise, the term:

21       (1) "Associated development" means property,  
22 equipment, buildings, or other ancillary facilities which are  
23 built, installed, or established to provide financing,  
24 funding, or revenues for the planning, building, managing, and  
25 operation of a high-speed rail system and which are associated  
26 with or part of the rail stations. The term includes property,  
27 including air rights, necessary for joint development, such as  
28 parking facilities, retail establishments, restaurants,  
29 hotels, offices, or other commercial, civic, residential, or  
30 support facilities, and may also include property necessary to  
31 protect or preserve the rail station area by reducing urban

1 blight or traffic congestion or property necessary to  
2 accomplish any of the purposes set forth in this subsection  
3 which are reasonably anticipated or necessary.  
4 (2) "Authority" means the Florida High-Speed Rail  
5 Authority and its agents.  
6 (3) "Central Florida" means the counties of Lake,  
7 Seminole, Orange, Osceola, Citrus, Sumter, Volusia, Brevard,  
8 Hernando, Pasco, Hillsborough, Pinellas, and Polk.  
9 (4) "DBOM contract" means the document and all  
10 concomitant rights approved by the authority providing the  
11 selected person or entity the exclusive right to design,  
12 build, operate, and maintain a high-speed rail system.  
13 (5) "DBOM & F contract" means the document and all  
14 concomitant rights approved by the authority providing the  
15 selected person or entity the exclusive right to design,  
16 build, operate, maintain, and finance a high-speed rail  
17 system.  
18 (6) "High-speed rail system" means any high-speed  
19 fixed guideway system for transporting people or goods, which  
20 system is capable of operating at speeds in excess of 120  
21 miles per hour, including, but not limited to, a monorail  
22 system, dual track rail system, suspended rail system,  
23 magnetic levitation system, pneumatic repulsion system, or  
24 other system approved by the authority. The term includes a  
25 corridor and structures essential to the operation of the  
26 line, including the land, structures, improvements,  
27 rights-of-way, easements, rail lines, rail beds, guideway  
28 structures, stations, platforms, switches, yards, parking  
29 facilities, power relays, switching houses, rail stations,  
30 associated development, and any other facilities or equipment  
31 used or useful for the purposes of high-speed rail system

1 design, construction, operation, maintenance, or the financing  
2 of the high-speed rail system.

3 (7) "Joint development" means the planning, managing,  
4 financing, or constructing of projects adjacent to,  
5 functionally related to, or otherwise related to a high-speed  
6 rail system pursuant to agreements between any person, firm,  
7 corporation, association, organization, agency, or other  
8 entity, public or private.

9 (8) "Northeast Florida" means the counties of Nassau,  
10 Duval, Clay, St. Johns, Putnam, Alachua, Marion, and Flagler.

11 (9) "Northwest Florida" means the counties of  
12 Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington,  
13 Jackson, Gadsden, Bay, Calhoun, Liberty, Gulf, Franklin, Leon,  
14 Jefferson, Madison, Wakulla, Taylor, Hamilton, Suwannee,  
15 Columbia, Baker, Union, Lafayette, Gilchrist, Dixie, Bradford,  
16 and Levy.

17 (10) "Rail station," "station," or "high-speed rail  
18 station" means any structure or transportation facility that  
19 is part of a high-speed rail system designed to accommodate  
20 the movement of passengers from one mode of transportation to  
21 another at which passengers board or disembark from  
22 transportation conveyances and transfer from one mode of  
23 transportation to another.

24 (11) "Selected person or entity" means the person or  
25 entity to whom the authority awards a contract under s.  
26 341.834 to establish a high-speed rail system pursuant to this  
27 act.

28 (12) "Southeast Florida" means the counties of  
29 Broward, Monroe, Miami-Dade, Indian River, St. Lucie, Martin,  
30 Okeechobee, and Palm Beach.

31

1           (13) "Southwest Florida" means the counties of  
2 Manatee, Hardee, DeSoto, Sarasota, Highlands, Charlotte,  
3 Glades, Lee, Hendry, and Collier.

4           (14) "Urban areas" means Central Florida, Northeast  
5 Florida, Northwest Florida, Southeast Florida, and Southwest  
6 Florida.

7           Section 4. Section 341.821, Florida Statutes, is  
8 amended to read:

9           341.821 Florida High-Speed Rail Authority.--

10           (1) There is created and established a body politic  
11 and corporate, an agency of the state, to be known as the  
12 "Florida High-Speed Rail Authority," hereinafter referred to  
13 as the "authority."

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

16           1. Three members shall be appointed by the Governor,  
17 one of whom must have a background in the area of  
18 environmental concerns, one of whom must have a legislative  
19 background, and one of whom must have a general business  
20 background.

21           2. Three members shall be appointed by the President  
22 of the Senate, one of whom must have a background in civil  
23 engineering, one of whom must have a background in  
24 transportation construction, and one of whom must have a  
25 general business background.

26           3. Three members shall be appointed by the Speaker of  
27 the House of Representatives, one of whom must have a legal  
28 background, one of whom must have a background in financial  
29 matters, and one of whom must have a general business  
30 background.

31

1           (b) The appointed members shall not be subject to  
2 confirmation by the Senate. The initial term of each member  
3 appointed by the Governor shall be for 4 years. The initial  
4 term of each member appointed by the President of the Senate  
5 shall be for 3 years. The initial term of each member  
6 appointed by the Speaker of the House of Representatives shall  
7 be for 2 years. Succeeding terms for all members shall be for  
8 terms of 4 years. ~~Initial appointments must be made within 30~~  
9 ~~days after the effective date of this act.~~

10           (c) A vacancy occurring during a term shall be filled  
11 by the respective appointing authority in the same manner as  
12 the original appointment and only for the balance of the  
13 unexpired term. An appointment to fill a vacancy shall be made  
14 within 60 days after the occurrence of the vacancy.

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

17           (e) The board shall elect one of its members as chair  
18 of the authority. The chair shall hold office at the will of  
19 the board. Five members of the board shall constitute a  
20 quorum, and the vote of five members shall be necessary for  
21 any action taken by the authority. The authority may meet upon  
22 the constitution of a quorum. No vacancy in the authority  
23 shall impair the right of a quorum of the board to exercise  
24 all rights and perform all duties of the authority.

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

28           (3) Notwithstanding any other law to the contrary, it  
29 shall not be or constitute a conflict of interest for a person  
30 having a background specified in this section to serve as a  
31 member of the authority. However, in each official decision to



1 which this act is applicable, such member's firm or related  
2 entity may not have a financial or economic interest nor shall  
3 the authority contract with or conduct any business with a  
4 member or such member's firm or directly related business  
5 entity.

6 (4) The authority shall be assigned to the Department  
7 of Transportation for administrative purposes. The authority  
8 shall be a separate budget entity. The Department of  
9 Transportation shall provide administrative support and  
10 service to the authority to the extent requested by the chair  
11 of the authority. The authority shall not be subject to  
12 control, supervision, or direction by the Department of  
13 Transportation in any manner, including, but not limited to,  
14 personnel, purchasing, transactions involving real or personal  
15 property, and budgetary matters.

16 Section 5. Section 341.822, Florida Statutes, is  
17 amended to read:

18 341.822 Powers and duties.--

19 (1) The authority created and established by this act  
20 shall locate, plan, design, finance, construct, maintain, own,  
21 operate, administer, and manage the ~~preliminary engineering~~  
22 ~~and preliminary environmental assessment of the intrastate~~  
23 ~~high-speed rail system in the state., hereinafter referred to~~  
24 ~~as "intrastate high-speed rail."~~

25 (2) The authority may exercise all powers granted to  
26 corporations under the Florida Business Corporation Act,  
27 chapter 607, except the authority may only not incur debt in  
28 accordance with the provisions of this act.

29 (3) The authority shall have perpetual succession as a  
30 body politic and corporate.

31

1           (4) The authority is authorized to seek and obtain  
2 federal matching funds or any other funds to fulfill the  
3 requirements of this act either directly or through the  
4 Department of Transportation.

5           (5) The authority may employ an executive director,  
6 ~~permanent or temporary,~~ as it may require and shall determine  
7 the qualifications and fix the compensation. The authority may  
8 delegate to one or more of its agents or employees such of its  
9 power as it deems necessary to carry out the purposes of this  
10 act, subject always to the supervision and control of the  
11 authority.

12           Section 6. Section 341.823, Florida Statutes, is  
13 amended to read:

14           341.823 Criteria for assessment and recommendations.--

15           (1) The following criteria shall apply to the  
16 establishment of the high-speed rail system in developing the  
17 ~~preliminary engineering, preliminary environmental assessment,~~  
18 ~~and recommendations~~ required by this act:

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

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

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

30           (2) The authority shall establish requirements ~~make~~  
31 ~~recommendations~~ concerning:

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

5           (b) The preferred routes between the cities and urban  
6 areas designated in accordance with s. 341.8203 in paragraph  
7 ~~(1)(b)~~;

8           (c) The preferred locations for the stations in the  
9 cities and urban areas designated in accordance with s.  
10 341.8203 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; and~~

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

19           (3) The authority shall develop a marketing plan, a  
20 detailed planning-level ridership study, and an estimate of  
21 the annual operating and maintenance cost for the system and  
22 all other associate expenses.

23           ~~(3) When preparing the operating plan, the authority~~  
24 ~~shall include:~~

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

27           ~~(b) The proposed fare structure for passenger and~~  
28 ~~freight service;~~

29           ~~(c) Proposed trip times, system capacity, passenger~~  
30 ~~accommodations, and amenities;~~

31

- 1           ~~(d) Methods to ensure compliance with applicable~~  
2 ~~environmental standards and regulations;~~
- 3           ~~(e) A marketing plan, including strategies that can be~~  
4 ~~employed to enhance the utilization of the system;~~
- 5           ~~(f) A detailed planning-level ridership study;~~
- 6           ~~(g) Consideration of nonfare revenues that may be~~  
7 ~~derived from:~~
- 8           ~~1. The sale of development rights at the stations;~~  
9           ~~2. License, franchise, and lease fees;~~
- 10           ~~3. Sale of advertising space on the trains or in the~~  
11 ~~stations; and~~
- 12           ~~4. Any other potential sources deemed appropriate.~~
- 13           ~~(h) An estimate of the total cost of the entire~~  
14 ~~system, including, but not limited to, the costs to:~~
- 15           ~~1. Design and build the stations and monorail, fixed~~  
16 ~~guideway, or magnetic levitation system;~~
- 17           ~~2. Acquire any necessary rights-of-way;~~
- 18           ~~3. Purchase or lease rolling stock and other equipment~~  
19 ~~necessary to build, operate, and maintain the system.~~
- 20           ~~(i) An estimate of the annual operating and~~  
21 ~~maintenance costs for the system and all other associated~~  
22 ~~expenses.~~
- 23           ~~(j) An estimate of the value of assets the state or~~  
24 ~~its political subdivisions may provide as in-kind~~  
25 ~~contributions for the system, including rights-of-way,~~  
26 ~~engineering studies performed for previous high-speed rail~~  
27 ~~initiatives, land for rail stations and necessary maintenance~~  
28 ~~facilities, and any expenses that may be incurred by the state~~  
29 ~~or its political subdivisions to accommodate the installation~~  
30 ~~of the system.~~
- 31

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

4  
5 ~~Whenever applicable and appropriate, the authority will base~~  
6 ~~estimates of projected costs, expenses, and revenues on~~  
7 ~~documented expenditures or experience derived from similar~~  
8 ~~projects.~~

9           Section 7. Section 341.824, Florida Statutes, is  
10 amended to read:

11           341.824 Technical, scientific, or other assistance.--

12           (1) The Florida Transportation Commission, the  
13 Department of Community Affairs, and the Department of  
14 Environmental Protection shall, at the authority's request,  
15 provide technical, scientific, or other assistance.

16           (2) The Department of Community Affairs shall, if  
17 requested, provide assistance to local governments in  
18 analyzing the land use and comprehensive planning aspects of  
19 the high-speed rail system. The Department of Community  
20 Affairs shall assist the authority with the resolution of any  
21 conflicts between the system and adopted local comprehensive  
22 plans.

23           (3) The Department of Environmental Protection shall,  
24 if requested, provide assistance to local governments and  
25 other permitting agencies in analyzing the environmental  
26 aspects of the high-speed rail system. The Department of  
27 Environmental Protection shall assist the authority and the  
28 contractor in expediting the approval of the necessary  
29 environmental permits for the system.

30           Section 8. Section 341.827, Florida Statutes, is  
31 created to read:

1           341.827 Service areas; segment designation.--  
2           (1) The authority shall determine in which order the  
3 service areas, as designated by the Legislature, will be  
4 served by the high-speed rail system.  
5           (2) The authority shall plan and develop the  
6 high-speed rail system so that construction proceeds as  
7 follows:  
8           (a) The initial segments of the system shall be  
9 developed and operated between the St. Petersburg area, the  
10 Tampa area, the Lakeland/Winter Haven area, and the Orlando  
11 area, with future service to the Miami area.  
12           (b) Construction of subsequent segments of the  
13 high-speed rail system shall connect the metropolitan areas of  
14 Port Canaveral/Cocoa Beach, Ft. Pierce, West Palm Beach, Ft.  
15 Lauderdale, Daytona Beach, St. Augustine, Jacksonville, Ft.  
16 Myers/Naples, Sarasota/Bradenton, Gainesville/Ocala,  
17 Tallahassee, and Pensacola.  
18           (c) Selection of segments of the high-speed rail  
19 system to be constructed subsequent to the initial segments of  
20 the system shall be prioritized by the authority, giving  
21 consideration to the demand for service, financial  
22 participation by local governments, financial participation by  
23 the private sector, and the available financial resources of  
24 the authority.  
25           Section 9. Section 341.828, Florida Statutes, is  
26 created to read:  
27           341.828 Permitting.--  
28           (1) The authority, for the purposes of permitting, may  
29 utilize one or more permitting processes provided for in  
30 statute, including, but not limited to, the metropolitan  
31 planning organization long-range transportation planning

1 process as defined in s. 339.175 (6) and (7), in conjunction  
2 with the Department of Transportation's work program process  
3 as defined in s. 339.135, or any permitting process now in  
4 effect or that may be in effect at the time of permitting and  
5 will provide the most timely and cost-effective permitting  
6 process.

7 (2) The authority shall work in cooperation with  
8 metropolitan planning organizations in areas where the  
9 high-speed rail system will be located. The metropolitan  
10 planning organizations shall cooperate with the authority and  
11 include the high-speed rail system alignment within their  
12 adopted long-range transportation plans and transportation  
13 improvement programs for the purposes of providing public  
14 information, consistency with the plans, and receipt of  
15 federal and state funds by the authority to support the  
16 high-speed rail system.

17 (3) For purposes of selecting a route alignment, the  
18 authority may use the project development and environment  
19 study process, including the efficient transportation  
20 decisionmaking system process as adopted by the Department of  
21 Transportation.

22 Section 10. Section 341.829, Florida Statutes, is  
23 created to read:

24 341.829 Conflict prevention, mitigation, and  
25 resolution.--

26 (1) The authority, in conjunction with the Executive  
27 Office of the Governor, the Department of Community Affairs,  
28 and the Department of Environmental Protection, shall develop  
29 and implement, within 180 days after the effective date of  
30 this act, a process to prevent, mitigate, and resolve, to the  
31 maximum extent feasible, any conflicts or potential conflicts

1 of a high-speed rail system with growth management  
2 requirements and environmental standards.

3 (2) Any person who disagrees with the alignment  
4 decision must file a complaint with the authority within 20  
5 days after the authority's final adoption of the alignment.

6 (3) The authority must respond to any timely filed  
7 complaint within 60 days after the complaint is filed with the  
8 authority.

9 Section 11. Section 341.830, Florida Statutes, is  
10 created to read:

11 341.830 Procurement.--

12 (1) The authority may employ procurement methods under  
13 chapters 255, 287, and 337 and under any rule adopted under  
14 such chapters. To enhance the effective and efficient  
15 operation of the authority, and to enhance the ability of the  
16 authority to use best business practices, the authority may,  
17 pursuant to ss. 120.536(1) and 120.54, adopt rules for and  
18 employ procurement methods available to the private sector.

19 (2) The authority is authorized to procure commodities  
20 and the services of a qualified person or entity to design,  
21 build, finance, operate, maintain, and implement a high-speed  
22 rail system, including the use of a DBOM or DBOM & F method  
23 using a request for proposal, a request for qualifications, or  
24 an invitation to negotiate.

25 Section 12. Section 341.831, Florida Statutes, is  
26 created to read:

27 341.831 Prequalification.--

28 (1) The authority may prequalify interested persons or  
29 entities prior to seeking proposals for the design,  
30 construction, operation, maintenance, and financing of the  
31 high-speed rail system. The authority may establish qualifying



1 criteria that may include, but not be limited to, experience,  
2 financial resources, organization and personnel, equipment,  
3 past record or history of the person or entity, ability to  
4 finance or issue bonds, and ability to post a construction or  
5 performance bond.

6 (2) The authority may establish the qualifying  
7 criteria in a request for qualification without adopting the  
8 qualifying criteria as rules.

9 Section 13. Section 341.832, Florida Statutes, is  
10 created to read:

11 341.832 Request for qualifications.--

12 (1) The authority is authorized to develop and execute  
13 a request for qualifications process to seek a person or  
14 entity to design, build, operate, maintain, and finance a  
15 high-speed rail system. The authority may issue multiple  
16 requests for qualifications. The authority shall develop  
17 criteria for selection of a person or entity that shall be  
18 included in any request for qualifications.

19 (2) The authority may issue a request for  
20 qualifications without adopting a rule.

21 Section 14. Section 341.833, Florida Statutes, is  
22 created to read:

23 341.833 Request for proposals.--

24 (1) The authority is authorized to develop and execute  
25 a request for proposals process to seek a person or entity to  
26 design, build, operate, maintain, and finance a high-speed  
27 rail system. The authority may issue multiple requests for  
28 proposals. The authority shall develop criteria for selection  
29 of a person or entity that shall be included in any request  
30 for proposals.

31

1       (2) In the request for proposals, the authority shall  
2 specify the minimum period of time for the contract duration.  
3 A person or entity may propose a longer period of time for the  
4 contract and provide justification of the need for an extended  
5 contract period. If the authority extends the time period for  
6 the contract, such time period shall be extended for all  
7 persons or entities if so requested.

8           Section 15. Section 341.834, Florida Statutes, is  
9 created to read:

10       341.834 Award of contract.--

11       (1) The authority may award a contract subject to such  
12 terms and conditions, including, but not limited to,  
13 compliance with any applicable permitting requirements, and  
14 any other terms and conditions the authority considers  
15 appropriate.

16       (2) The contract shall authorize the contractor to  
17 provide service between stations as established by the  
18 contract. The contractor shall coordinate its facilities and  
19 services with passenger rail providers, commuter rail  
20 authorities, and public transit providers to provide access to  
21 and from the high-speed rail system.

22       (3) The contractor shall not convey, lease, or  
23 otherwise transfer any high-speed rail system property, any  
24 interest in such property, or any improvement constructed upon  
25 such property without written approval of the authority.

26           Section 16. Section 341.835, Florida Statutes, is  
27 created to read:

28       341.835 Acquisition of property; rights-of-way;  
29 disposal of land.--

30       (1) The authority may purchase, lease, exchange, or  
31 otherwise acquire any land, property interests, or buildings

1 or other improvements, including personal property within such  
2 buildings or on such lands, necessary to secure or utilize  
3 rights-of-way for existing, proposed, or anticipated  
4 high-speed rail system facilities.

5 (2) Title to any property acquired in the name of the  
6 authority shall be administered by the authority under such  
7 terms and conditions as the authority may require.

8 (3) When the authority acquires property for a  
9 high-speed rail system, or any related or ancillary  
10 facilities, by purchase or donation, it is not subject to any  
11 liability imposed by chapter 376 or chapter 403 for  
12 preexisting soil or groundwater contamination due solely to  
13 its ownership. This section does not affect the rights or  
14 liabilities of any past or future owners of the acquired  
15 property, nor does it affect the liability of any governmental  
16 entity for the results of its actions which create or  
17 exacerbate a pollution source. The authority and the  
18 Department of Environmental Protection may enter into  
19 interagency agreements for the performance, funding, and  
20 reimbursement of the investigative and remedial acts necessary  
21 for property acquired by the authority.

22 (4) In acquiring property or property rights for any  
23 high-speed rail system or related or ancillary facilities, the  
24 authority may acquire an entire lot, block, or tract of land  
25 if the interests of the public will be best served by such  
26 acquisition, even though the entire lot, block, or tract is  
27 not immediately needed for the right-of-way proper or for the  
28 specific related or ancillary facilities.

29 (5) The authority, by resolution, may dispose of any  
30 interest in property acquired pursuant to this section on  
31 terms and conditions the authority deems appropriate.

1       (6) The authority and its employees and agents shall  
2 have the right to enter upon properties which may be  
3 determined to be necessary for the construction,  
4 reconstruction, relocation, maintenance, and operation of a  
5 proposed high-speed rail system and associated development and  
6 related or ancillary facilities as described in subsection (1)  
7 for the purposes of surveying and soil and environmental  
8 testing.

9       (7) The authority is authorized to accept donations of  
10 real property from public or private entities for the purposes  
11 of implementing a high-speed rail system.

12       Section 17. Section 341.836, Florida Statutes, is  
13 created to read:

14       341.836 Associated development.--

15       (1) The authority, alone or as part of a joint  
16 development, may undertake development of associated  
17 developments to be a source of revenue for the establishment,  
18 construction, operation, or maintenance of the high-speed rail  
19 system. Such associated developments must be associated with  
20 a rail station and have pedestrian ingress to and egress from  
21 the rail station; be consistent, to the extent feasible, with  
22 applicable local government comprehensive plans and local land  
23 development regulations; and otherwise be in compliance with  
24 the provisions of this act.

25       (2) This act does not prohibit the authority, the  
26 selected person or entity, or a party to a joint venture with  
27 the authority or its selected person or entity from obtaining  
28 approval, pursuant to any other law, for any associated  
29 development that is reasonably related to the high-speed rail  
30 system.

31

1           Section 18. Section 341.837, Florida Statutes, is  
2 created to read:

3           341.837 Payment of expenses.--All expenses incurred in  
4 carrying out the provisions of this act shall be payable  
5 solely from funds provided under the authority of this act, or  
6 from other legally available sources.

7           Section 19. Section 341.838, Florida Statutes, is  
8 created to read:

9           341.838 Rates, rents, fees, and charges.--

10           (1) The authority is authorized to fix, revise,  
11 charge, and collect rates, rents, fees, charges, and revenues  
12 for the use of and for the services furnished, or to be  
13 furnished, by the system and to contract with any person,  
14 partnership, association, corporation, or other body, public  
15 or private, in respect thereof. Such rates, rents, fees, and  
16 charges shall be reviewed annually by the authority and may be  
17 adjusted as set forth in the contract setting such rates,  
18 rents, fees, or charges. The funds collected hereunder shall,  
19 with any other funds available, be used to pay the cost of all  
20 administrative expenses of the authority, and the cost of  
21 designing, building, operating, and maintaining the system and  
22 each and every portion thereof, to the extent that the payment  
23 of such cost has not otherwise been adequately provided for.

24           (2) Rates, rents, fees, and charges fixed, revised,  
25 charged, and collected pursuant to this section shall not be  
26 subject to supervision or regulation by any department,  
27 commission, board, body, bureau, or agency of this state other  
28 than the authority.

29           Section 20. Section 341.839, Florida Statutes, is  
30 created to read:

31

1           341.839 Alternate means.--The foregoing sections of  
2 this act shall be deemed to provide an additional and  
3 alternative method for accomplishing the purposes authorized  
4 therein, and shall be regarded as supplemental and additional  
5 to powers conferred by other laws. Except as otherwise  
6 expressly provided in this act, none of the powers granted to  
7 the authority under the provisions of this act shall be  
8 subject to the supervision or require the approval or consent  
9 of any municipality or political subdivision or any  
10 commission, board, body, bureau, or official.

11           Section 21. Section 341.840, Florida Statutes, is  
12 created to read:

13           341.840 Tax exemption.--The exercise of the powers  
14 granted by this act will be in all respects for the benefit of  
15 the people of this state, for the increase of their commerce,  
16 welfare, and prosperity, and for the improvement of their  
17 health and living conditions, and as the design, building,  
18 operation, maintenance, and financing of a system by the  
19 authority or its agent or the owner or lessee thereof, as  
20 herein authorized, constitutes the performance of an essential  
21 public function, neither the authority, its agent, nor the  
22 owner of such system shall be required to pay any taxes or  
23 assessments upon or in respect to the system or any property  
24 acquired or used by the authority, its agent, or such owner  
25 under the provisions of this act or upon the income therefrom,  
26 any security therefor, their transfer, and the income  
27 therefrom, including any profit made on the sale thereof,  
28 shall at all times be free from taxation of every kind by the  
29 state, the counties, and the municipalities and other  
30 political subdivisions in the state.

31

1           Section 22. Section 341.841, Florida Statutes, is  
2 created to read:

3           341.841 Report; audit.--The authority shall prepare an  
4 annual report of its actions, findings, and recommendations  
5 and submit the report to the Governor, the President of the  
6 Senate, and the Speaker of the House of Representatives on or  
7 before January 1. The authority shall provide for an annual  
8 financial audit, as defined in s. 11.45, of its accounts and  
9 records conducted by an independent certified public  
10 accountant. The audit report shall include a management letter  
11 as defined in s. 11.45. The cost of the audit shall be paid  
12 from funds available to the authority pursuant to this act.

13           Section 23. Section 341.842, Florida Statutes, is  
14 created to read:

15           341.842 Liberal construction.--This act, being  
16 necessary for the welfare of the state and its inhabitants,  
17 shall be liberally construed to effect the purposes hereof.

18           Section 24. Subsection (10) of section 288.109,  
19 Florida Statutes, is amended to read:

20           288.109 One-Stop Permitting System.--

21           (10) Notwithstanding any other provision of law or  
22 administrative rule to the contrary, the fee imposed by a  
23 state agency or water management district for issuing a  
24 development permit shall be waived for a 6-month period  
25 beginning on the date the state agency or water management  
26 district begins accepting development permit applications over  
27 the Internet and the applicant submits the development permit  
28 to the agency or district using the One-Stop Permitting  
29 System. The 6-month fee waiver shall not apply to development  
30 permit fees assessed by the Electrical Power Plant Siting Act,  
31 ss. 403.501-403.519; the Transmission Line Siting Act, ss.

1 403.52-403.5365; the statewide Multi-purpose Hazardous Waste  
2 Facility Siting Act, ss. 403.78-403.7893; and the Natural Gas  
3 Pipeline Siting Act, ss. 403.9401-403.9425; ~~and the High Speed~~  
4 ~~Rail Transportation Siting Act, ss. 341.3201-341.386.~~

5 Section 25. Subsection (6) of section 334.30, Florida  
6 Statutes, is amended to read:

7 334.30 Private transportation facilities.--The  
8 Legislature hereby finds and declares that there is a public  
9 need for rapid construction of safe and efficient  
10 transportation facilities for the purpose of travel within the  
11 state, and that it is in the public's interest to provide for  
12 the construction of additional safe, convenient, and  
13 economical transportation facilities.

14 (6) ~~Notwithstanding s. 341.327,~~A fixed-guideway  
15 transportation system authorized by the department to be  
16 wholly or partially within the department's right-of-way  
17 pursuant to a lease granted under s. 337.251 may operate at  
18 any safe speed.

19 Section 26. Subsection (9) of section 337.251, Florida  
20 Statutes, is amended to read:

21 337.251 Lease of property for joint public-private  
22 development and areas above or below department property.--

23 (9) ~~Notwithstanding s. 341.327,~~A fixed-guideway  
24 transportation system authorized by the department to be  
25 wholly or partially within the department's right-of-way  
26 pursuant to a lease granted under this section may operate at  
27 any safe speed.

28 Section 27. Section 341.501, Florida Statutes, is  
29 amended to read:

30 341.501 High-technology transportation systems; joint  
31 project agreement or assistance.--Notwithstanding any other



1 provision of law, the Department of Transportation may enter  
2 into a joint project agreement with, or otherwise assist,  
3 private or public entities, or consortia thereof, to  
4 facilitate the research, development, and demonstration of  
5 high-technology transportation systems, including, but not  
6 limited to, systems using magnetic levitation technology. ~~The~~  
7 ~~provisions of the Florida High-Speed Rail Transportation Act,~~  
8 ~~ss. 341.3201-341.386, do not apply to actions taken under this~~  
9 ~~section, and~~ The department may, subject to s. 339.135,  
10 provide funds to match any available federal aid for  
11 effectuating the research, development, and demonstration of  
12 high-technology transportation systems.

13           Section 28. Sections 341.3201, 341.321, 341.322,  
14 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331,  
15 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337,  
16 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365,  
17 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465,  
18 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364,  
19 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375,  
20 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are  
21 repealed.

22           Section 29. Except as otherwise provided herein, this  
23 act shall take effect upon becoming a law.  
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