

By the Committee on Transportation; and Senator Sebesta

306-2238-02

1 A bill to be entitled
2 An act relating to high-speed rail
3 transportation; amending s. 341.822, F.S.;
4 revising and providing additional powers and
5 duties of the authority; amending s. 341.823,
6 F.S.; revising the criteria for assessment and
7 recommendations with respect to the
8 establishment of the high-speed rail system;
9 amending s. 341.824, F.S.; specifying types of
10 technical, scientific, or other assistance to
11 be provided by the Department of Community
12 Affairs and the Department of Environmental
13 Protection; creating s. 341.827, F.S.;
14 providing for determination of service areas
15 and the order of system segment construction;
16 creating s. 341.831, F.S.; authorizing the
17 authority to prequalify interested persons or
18 entities prior to seeking proposals for the
19 design, construction, operation, maintenance,
20 and financing of the high-speed rail system;
21 providing for the establishment of qualifying
22 criteria; creating s. 341.832, F.S.;
23 authorizing the authority to develop and
24 execute a request for qualifications process;
25 creating s. 341.833, F.S.; authorizing the
26 authority to develop and execute a request for
27 proposals process to seek a person or entity to
28 design, build, operate, maintain, and finance a
29 high-speed rail system; creating s. 341.836,
30 F.S.; authorizing the authority to study the
31 development of associated developments;

1 providing requirements of associated
2 developments; creating s. 341.837, F.S.;
3 providing for payment of expenses incurred in
4 carrying out the act; creating s. 341.839,
5 F.S.; providing that the act is supplemental
6 and additional to powers conferred by other
7 laws; creating s. 341.843, F.S.; providing that
8 inconsistent provisions of other laws are
9 superseded; providing an effective date.

10

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

12

13 Section 1. Section 341.822, Florida Statutes, is
14 amended to read:

15 341.822 Powers and duties.--

16 (1) The authority created and established by this act
17 shall plan, administer, and manage the preliminary engineering
18 and preliminary environmental assessment of the intrastate
19 high-speed rail system in the state, hereinafter referred to
20 as "intrastate high-speed rail." The authority may seek
21 competitive proposals for the design, building, operations and
22 maintenance of the intrastate high-speed rail system; however,
23 the authority may not enter into a contract without
24 legislative approval.

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 not incur debt.

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

30 (4) The authority is authorized to seek and obtain
31 federal matching funds or any other funds to fulfill the

1 requirements of this act, either directly or through the
2 Department of Transportation.

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

10 (6) The authority may exercise all powers necessary,
11 appurtenant, convenient, or incidental to carrying out the
12 purposes enumerated in subsection (1), including, but not
13 limited to, the rights and powers to:

14 (a) Advertise and promote high-speed rail systems,
15 associated development, and activities of the authority.

16 (b) Accept funds, donations, or contributions of
17 lands, buildings, or other real or personal property from
18 other governmental sources, and accept private donations.

19 (c) Purchase, by directly contracting with local,
20 national, or international insurance companies, liability
21 insurance that the authority is contractually and legally
22 obligated to provide, notwithstanding the requirements of s.
23 287.022(1).

24 (d) Accept proposals that sell the name rights for
25 high-speed rail systems and other related facilities to
26 corporate or individual sponsors.

27 (f) Adopt rules pursuant to ss. 120.536(1) and 120.54
28 as necessary to carry out the purposes of this act.

29 (7) Enter into interlocal agreements in the manner
30 provided in s. 163.01.

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1 (8) The authority shall develop or execute an
2 investment-grade ridership study by competitive proposal.

3 (9) It is the express intent of this act that the
4 authority be authorized, pursuant to provisions of this act,
5 to plan and develop a high-speed rail system and associated
6 development, and to establish and determine such policies as
7 may be necessary for the best interests of the operation and
8 promotion of a high-speed rail system.

9 Section 2. Section 341.823, Florida Statutes, is
10 amended to read:

11 341.823 Criteria for assessment and recommendations.--

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

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

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

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

27 (2) The authority shall establish requirements ~~make~~
28 ~~recommendations~~ concerning:

29 (a) The format and types of information that must be
30 included in a financial or business plan for the high-speed
31

1 rail system, and the authority may develop that financial or
2 business plan;

3 (b) The preferred routes between the cities and urban
4 areas designated in paragraph (1)(b);

5 (c) The preferred locations for the stations in the
6 cities and urban areas designated in paragraph (1)(b);

7 (d) The preferred locomotion technology to be employed
8 ~~from constitutional choices of monorail, fixed guideway, or~~
9 ~~magnetic levitation; and~~

10 ~~(e) Any changes that may be needed in state statutes~~
11 ~~or federal laws which would make the proposed system eligible~~
12 ~~for available federal funding; and~~

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

15 (3) When preparing the operating plan, the authority
16 shall include:

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

19 ~~(b) The proposed fare structure for passenger and~~
20 ~~freight service;~~

21 ~~(c) Proposed trip times, system capacity, passenger~~
22 ~~accommodations, and amenities;~~

23 ~~(d) Methods to ensure compliance with applicable~~
24 ~~environmental standards and regulations;~~

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

27 ~~(a)(f)~~ A detailed planning-level ridership study;

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

30 1. ~~The sale of development rights at the stations;~~

31 2. ~~License, franchise, and lease fees;~~

1 ~~3. Sale of advertising space on the trains or in the~~
2 ~~stations; and~~

3 ~~4. Any other potential sources deemed appropriate.~~

4 ~~(h) An estimate of the total cost of the entire~~
5 ~~system, including, but not limited to, the costs to:~~

6 ~~1. Design and build the stations and monorail, fixed~~
7 ~~guideway, or magnetic levitation system;~~

8 ~~2. Acquire any necessary rights-of-way;~~

9 ~~3. Purchase or lease rolling stock and other equipment~~
10 ~~necessary to build, operate, and maintain the system.~~

11 ~~(i) An estimate of the annual operating and~~
12 ~~maintenance costs for the system and all other associated~~
13 ~~expenses.~~

14 (b)(j) An estimate of the value of assets the state or
15 its political subdivisions may provide as in-kind
16 contributions for the system, including rights-of-way,
17 engineering studies performed for previous high-speed rail
18 initiatives, land for rail stations and necessary maintenance
19 facilities, and any expenses that may be incurred by the state
20 or its political subdivisions to accommodate the installation
21 of the system.

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

25
26 Whenever applicable and appropriate, the authority will base
27 estimates of projected costs, expenses, and revenues on
28 documented expenditures or experience derived from similar
29 projects.

30 Section 3. Section 341.824, Florida Statutes, is
31 amended to read:

1 341.824 Technical, scientific, or other assistance.--

2 (1) The Florida Transportation Commission, the
3 Department of Community Affairs, and the Department of
4 Environmental Protection shall, at the authority's request,
5 provide technical, scientific, or other assistance.

6 (2) The Department of Community Affairs shall, if
7 requested, provide assistance to local governments in
8 analyzing the land use and comprehensive planning aspects of
9 the high-speed rail system. The Department of Community
10 Affairs shall assist the authority with the resolution of any
11 conflicts between the system and adopted local comprehensive
12 plans.

13 (3) The Department of Environmental Protection shall,
14 if requested, provide assistance to local governments and
15 other permitting agencies in analyzing the environmental
16 aspects of the high-speed rail system. The Department of
17 Environmental Protection shall assist the authority and the
18 contractor in expediting the approval of the necessary
19 environmental permits for the system.

20 Section 4. Section 341.827, Florida Statutes, is
21 created to read:

22 341.827 Service areas; segment designation.--

23 (1) The authority shall determine in which order the
24 service areas, as designated by the Legislature, will be
25 served by the high-speed rail system.

26 (2) The authority, in conjunction with the local
27 government having jurisdiction over the affected area, shall
28 designate stations to serve the designated service areas.

29 (3) The authority shall plan and develop the
30 high-speed rail system so that construction proceeds as
31 follows:

1 (a) Phase I of the system shall be developed and
2 operated between the St. Petersburg area, the Tampa area, the
3 Lakeland area, and the Orlando area. Phase II of the system
4 shall be developed and operated between the Orlando area and
5 the Miami area.

6 (b) Selection of segments of the high-speed rail
7 system to be constructed subsequent to the initial segments of
8 the system shall be prioritized by the authority, giving
9 consideration to the demand for service, financial
10 participation by local governments, financial participation by
11 the private sector, and the available financial resources of
12 the authority.

13 Section 5. Section 341.831, Florida Statutes, is
14 created to read:

15 341.831 Prequalification.--

16 (1) The authority may prequalify interested persons or
17 entities prior to seeking proposals for the design,
18 construction, operation, maintenance, and financing of the
19 high-speed rail system. The authority may establish qualifying
20 criteria that may include, but not be limited to, experience,
21 financial resources, organization and personnel, equipment,
22 past record or history of the person or entity, ability to
23 finance or issue bonds, and ability to post a construction or
24 performance bond.

25 (2) The authority may establish the qualifying
26 criteria in a request for qualification without adopting the
27 qualifying criteria as rules.

28 Section 6. Section 341.832, Florida Statutes, is
29 created to read:

30 341.832 Request for qualifications.--

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1 (1) The authority is authorized to develop and execute
2 a request for qualifications process to seek a person or
3 entity to design, build, operate, maintain, and finance a
4 high-speed rail system. The authority may issue multiple
5 requests for qualifications. The authority shall develop
6 criteria for selection of a person or entity that shall be
7 included in any request for qualifications.

8 (2) The authority may issue a request for
9 qualifications without adopting a rule.

10 Section 7. Section 341.833, Florida Statutes, is
11 created to read:

12 341.833 Request for proposals.--

13 (1) The authority is authorized to develop and execute
14 a request for proposals process to seek a person or entity to
15 design, build, operate, maintain, and finance a high-speed
16 rail system. However, the authority may not enter into a
17 contract without legislative approval. The authority may issue
18 multiple requests for proposals. The authority shall develop
19 criteria for selection of a person or entity that shall be
20 included in any request for proposals.

21 (2) In the request for proposals, the authority shall
22 specify the minimum period of time for the contract duration.
23 A person or entity may propose a longer period of time for the
24 contract and provide justification of the need for an extended
25 contract period. If the authority extends the time period for
26 the contract, such time period shall be extended for all
27 persons or entities if so requested.

28 (3) The responses to the request for proposals must
29 include:

30 (a) The frequency of service between the urban areas
31 designated in s. 341.823(1)(b);

1 (b) The proposed fare structure for passenger and
2 freight service;

3 (c) Proposed trip times, system capacity, passenger
4 accommodations, and amenities;

5 (d) Methods to ensure compliance with applicable
6 environmental standards and regulations;

7 (e) A marketing plan, including strategies that can be
8 employed to enhance the use of the system;

9 (f) Consideration of nonfare revenues that may be
10 derived from:

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

12 2. License, franchise, and lease fees;

13 3. Sale of advertising space on the trains or in the
14 stations; and

15 4. Any other potential sources considered appropriate.

16 (g) An estimate of the total cost of the entire
17 system, including, but not limited to, the costs to:

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

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

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

23 (h) An estimate of the annual operating and
24 maintenance costs for the system and all other associated
25 expenses.

26 (i) An estimate of the contributions required per year
27 from federal, state, and other political subdivisions for the
28 next 30 years for operating the preferred routes between the
29 cities and urban areas designated in s. 341.823(1)(b).

30 Section 8. Section 341.836, Florida Statutes, is
31 created to read:

1 341.836 Associated development.--The authority, alone
2 or as part of a joint development, may study the development
3 of associated developments to be a source of revenue for the
4 establishment, construction, operation, or maintenance of the
5 high-speed rail system. Such associated developments must be
6 associated with a rail station and have pedestrian ingress to
7 and egress from the rail station; be consistent, to the extent
8 feasible, with applicable local government comprehensive plans
9 and local land development regulations; and otherwise be in
10 compliance with the provisions of this act.

11 Section 9. Section 341.837, Florida Statutes, is
12 created to read:

13 341.837 Payment of expenses.--All expenses incurred in
14 carrying out the provisions of this act shall be payable
15 solely from funds provided under the authority of this act, or
16 from other legally available sources, and no liability or
17 obligation shall be incurred by the authority, the board, or
18 its members beyond the extent to which moneys have been
19 provided.

20 Section 10. Section 341.839, Florida Statutes, is
21 created to read:

22 341.839 Alternate means.--The foregoing sections of
23 this act shall be deemed to provide an additional and
24 alternative method for accomplishing the purposes authorized
25 therein, and shall be regarded as supplemental and additional
26 to powers conferred by other laws.

27 Section 11. Section 341.843, Florida Statutes, is
28 created to read:

29 341.843 Provisions of act controlling.--To the extent
30 that the provisions of this act are inconsistent with the
31 provisions of any general statute or special act or parts

1 thereof, the provisions of this act shall be deemed
2 controlling.

3 Section 12. This act shall take effect upon becoming a
4 law.

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 1992

9 This committee substitute provides the High-Speed Rail
10 Authority may seek competitive proposals for the design,
11 building, operations and maintenance of the high-speed rail
12 system. The Authority may not, however, enter into a contract
13 without legislative approval. The Authority is authorized to
14 obtain federal matching funds, either directly or through the
15 Florida Department of Transportation (FDOT), to administer and
16 manage the preliminary engineering and environmental
17 assessments for the high-speed rail system and for other
18 authorized expenditures. The CS provides the Authority may
19 exercise all powers necessary to carry out the enumerated
20 preliminary assessments and request for proposals, including
21 but not limited to, the rights and powers to:

- 22 1. Advertise and promote high-speed rail systems and
23 associated activities;
 - 24 2. Accept funds and donations of land or other real or
25 personal property;
 - 26 3. Purchase liability insurance;
 - 27 4. Adopt rules; and
 - 28 5. Accept proposals which sell the naming rights for
29 high-speed rail systems or related facilities.
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