

By Senator Laurent

17-1549-02

See HB

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 providing that the authority is created as an
16 enterprise; amending s. 341.822, F.S.; revising
17 and providing additional powers and duties of
18 the authority; amending s. 341.823, F.S.;
19 revising the criteria for assessment and
20 recommendations with respect to the
21 establishment of the high-speed rail system;
22 amending s. 341.824, F.S.; specifying types of
23 technical, scientific, or other assistance to
24 be provided by the Department of Community
25 Affairs and the Department of Environmental
26 Protection; creating s. 341.825, F.S.;
27 providing for sole and exclusive determination
28 of need for the high-speed rail system
29 established pursuant to the act; creating s.
30 341.826, F.S.; providing that the power of the
31 authority to establish high-speed rail systems

1 in the state is exclusive; creating s. 341.827,
2 F.S.; providing for determination of service
3 areas and the order of system segment
4 construction; creating s. 341.828, F.S.;
5 authorizing the authority to select a route
6 alignment for the system and to utilize
7 existing permitting processes in such selection
8 process; providing sole responsibility to the
9 authority for the adoption of final alignment;
10 creating s. 341.829, F.S.; requiring the
11 authority, in conjunction with the Executive
12 Office of the Governor, the Department of
13 Community Affairs, and the Department of
14 Environmental Protection, to develop and
15 implement a process to mitigate and resolve
16 conflicts between the system and growth
17 management requirements and environmental
18 standards; providing time limits for the filing
19 of and response to specified complaints;
20 creating s. 341.830, F.S.; authorizing the
21 authority to employ specified procurement
22 methods; providing for the adoption of rules;
23 authorizing the authority to procure
24 commodities and services for the designing,
25 building, financing, maintenance, operation,
26 and implementation of a high-speed rail system;
27 creating s. 341.831, F.S.; authorizing the
28 authority to prequalify interested persons or
29 entities prior to seeking proposals for the
30 design, construction, operation, maintenance,
31 and financing of the high-speed rail system;

1 providing for the establishment of qualifying
2 criteria; creating s. 341.832, F.S.;
3 authorizing the authority to develop and
4 execute a request for qualifications process;
5 creating s. 341.833, F.S.; authorizing the
6 authority to develop and execute a request for
7 proposals process to seek a person or entity to
8 design, build, operate, maintain, and finance a
9 high-speed rail system; creating s. 341.834,
10 F.S.; providing that the award of a contract by
11 the authority is the sole authority for the
12 person or entity selected to establish a
13 high-speed rail system; providing for award of
14 a conditional contract; providing contract
15 requirements; prohibiting transfer of system
16 property without written approval; creating s.
17 341.835, F.S.; authorizing the authority to
18 purchase, lease, exchange, or acquire land,
19 property, or buildings necessary to secure or
20 utilize rights-of-way for high-speed rail
21 system facilities; providing the authority with
22 the power of eminent domain; providing that the
23 authority is not subject to specified
24 liability; authorizing the authority and the
25 Department of Environmental Protection to enter
26 into certain interlocal agreements; requiring
27 the Department of Transportation to grant
28 specified easements; creating s. 341.836, F.S.;
29 authorizing the authority to undertake the
30 development of associated developments;
31 providing requirements of associated

1 | developments; creating s. 341.837, F.S.;

2 | providing for payment of expenses incurred in

3 | carrying out the act; creating s. 341.838,

4 | F.S.; authorizing the authority to fix, revise,

5 | charge, collect, and adjust rates, rents, fees,

6 | charges, and revenues, and to enter into

7 | contracts; providing for annual review by the

8 | authority of rates, rents, fees, and charges;

9 | providing for uses of revenues; creating s.

10 | 341.839, F.S.; providing that the act is

11 | supplemental and additional to powers conferred

12 | by other laws; exempting powers of the

13 | authority from specified supervision,

14 | regulation, approval, or consent; creating s.

15 | 341.840, F.S.; providing tax exemptions for

16 | property acquired or used by the authority or

17 | specified income; creating s. 341.841, F.S.;

18 | requiring the authority to prepare and submit a

19 | report; providing for an annual audit; creating

20 | s. 341.842, F.S.; providing construction of the

21 | act; creating s. 341.843, F.S.; providing that

22 | inconsistent provisions of other laws are

23 | superseded; amending s. 288.109, F.S.; removing

24 | a cross reference; amending s. 334.30, F.S.;

25 | removing a cross reference; amending s.

26 | 337.251, F.S.; removing a cross reference;

27 | amending s. 341.501, F.S.; providing that

28 | specified actions do not apply to the Florida

29 | High-Speed Rail Authority Act; providing an

30 | appropriation from funds designated for the

31 | Transportation Outreach Program to the Florida

1 High-Speed Rail Authority to assist in the
2 implementation of the act; providing a
3 contingent appropriation; repealing s.
4 341.3201, F.S., relating to the short title for
5 ss. 341.3201-341.386, F.S., the "Florida
6 High-Speed Rail Transportation Act"; repealing
7 s. 341.321, F.S., relating to legislative
8 findings, policy, purpose, and intent with
9 respect to the development of a high-speed rail
10 transportation system connecting the major
11 urban areas of the state; repealing s. 341.322,
12 F.S., relating to definitions of terms;
13 repealing s. 341.325, F.S., relating to special
14 powers and duties of the Department of
15 Transportation; repealing s. 341.327, F.S.,
16 which provides that the Florida High-Speed Rail
17 Transportation Act is the sole and exclusive
18 determination of need for any high-speed rail
19 transportation system established under the
20 act, thereby preempting specified
21 determinations of need; repealing s. 341.329,
22 F.S., relating to the issuance of bonds to
23 finance a high-speed rail transportation
24 system; repealing s. 341.331, F.S., relating to
25 designation of the areas of the state to be
26 served by the high-speed rail transportation
27 system and designation of termini; repealing s.
28 341.332, F.S., relating to the award of
29 franchises by the Department of Transportation
30 to establish a high-speed rail transportation
31 system; repealing s. 341.3331, F.S., relating

1 to request for proposals; repealing s.
2 341.3332, F.S., relating to notice of issuance
3 of request for proposals; repealing s.
4 341.3333, F.S., relating to requirements with
5 respect to an application for franchise, and
6 confidentiality of the application and portions
7 of the application relating to trade secrets;
8 repealing s. 341.3334, F.S., relating to the
9 departmental review process of application for
10 franchise; repealing s. 341.3335, F.S.,
11 relating to interagency coordination of
12 franchise application review; repealing s.
13 341.3336, F.S., relating to public meetings on
14 franchise applications; repealing s. 341.3337,
15 F.S., relating to determination and award of
16 franchise; repealing s. 341.3338, F.S.,
17 relating to effect of franchise; repealing s.
18 341.3339, F.S., relating to postfranchise
19 agreements; repealing s. 341.334, F.S.,
20 relating to the powers and duties of the
21 Department of Transportation with respect to
22 the act; repealing s. 341.335, F.S., relating
23 to the powers and duties of the Florida Land
24 and Water Adjudicatory Commission sitting as
25 the board; repealing s. 341.336, F.S., relating
26 to the powers and duties of the Department of
27 Environmental Protection, the Department of
28 Community Affairs, and other affected agencies;
29 repealing s. 341.3365, F.S., relating to
30 certification procedures; repealing s. 341.342,
31 F.S., relating to agreements concerning

1 contents of certification application and
2 supporting documentation; repealing s. 341.343,
3 F.S., relating to review of certification
4 applications; repealing s. 341.344, F.S.,
5 relating to the establishment, composition,
6 organization, and duties of the Citizens'
7 Planning and Environmental Advisory Committee;
8 repealing s. 341.345, F.S., relating to
9 alternate corridors or transit station
10 locations; repealing s. 341.346, F.S., relating
11 to the powers and duties of an administrative
12 law judge appointed to conduct hearings under
13 the act; repealing s. 341.3465, F.S., relating
14 to alteration of time limitations specified by
15 the act; repealing s. 341.347, F.S., relating
16 to required combined public meetings and land
17 use and zoning hearings to be conducted by
18 local governments; repealing s. 341.348, F.S.,
19 relating to reports and studies required of
20 various agencies by the act; repealing s.
21 341.351, F.S., relating to publication and
22 contents of notice of certification application
23 and proceedings; repealing s. 341.352, F.S.,
24 relating to certification hearings; repealing
25 s. 341.353, F.S., relating to final disposition
26 of certification applications; repealing s.
27 341.363, F.S., relating to the effect of
28 certification; repealing s. 341.364, F.S.,
29 relating to a franchisee's right to appeal to
30 the Florida Land and Water Adjudicatory
31 Commission under specified circumstances;

1 repealing s. 341.365, F.S., relating to
2 associated development; repealing s. 341.366,
3 F.S., relating to recording of notice of
4 certified corridor route; repealing s. 341.368,
5 F.S., relating to modification of certification
6 or franchise; repealing s. 341.369, F.S.,
7 relating to fees imposed by the department and
8 the disposition of such fees; repealing s.
9 341.371, F.S., relating to revocation or
10 suspension of franchise or certification;
11 repealing s. 341.372, F.S., relating to
12 imposition by the department of specified
13 administrative fines in lieu of revocation or
14 suspension of franchise; repealing s. 341.375,
15 F.S., relating to the required participation by
16 women, minorities, and economically
17 disadvantaged individuals in all phases of the
18 design, construction, maintenance, and
19 operation of a high-speed rail transportation
20 system developed under the act, and required
21 plans for compliance by franchisees; repealing
22 s. 341.381, F.S., relating to applicability of
23 the act; repealing s. 341.382, F.S., relating
24 to laws and regulations superseded by the act;
25 repealing s. 341.383, F.S., relating to the
26 authority of local governments to assess
27 specified fees; repealing s. 341.386, F.S.,
28 relating to the admissibility of the award of a
29 franchise and of a certification under the act
30 in eminent domain proceedings; providing
31 effective dates.

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

2

3 Section 1. Section 341.8201, Florida Statutes, is
4 created to read:

5 341.8201 Short title.--Sections 341.8201-341.852 may
6 be cited as the "Florida High-Speed Rail Authority Act."

7 Section 2. Section 341.8202, Florida Statutes, is
8 created to read:

9 341.8202 Legislative findings, policy, purpose, and
10 intent.--

11 (1) The intent of this act is to implement the purpose
12 of s. 19, Art. X of the State Constitution, which directs the
13 State of Florida to develop, design, finance, construct, and
14 operate a high-speed monorail, fixed guideway, or magnetic
15 levitation system, capable of speeds in excess of 120 miles
16 per hour, linking Florida's five largest urban areas, as
17 defined in this act, with construction beginning no later than
18 November 1, 2003. Further, this act promotes the various
19 growth management and environmental protection laws enacted by
20 the Legislature and encourages and enhances the establishment
21 of a high-speed rail system. The Legislature further finds
22 that:

23 (a) The implementation of a high-speed rail system in
24 the state will result in overall social and environmental
25 benefits, improvements in ambient air quality, better
26 protection of water quality, greater preservation of wildlife
27 habitat, less use of open space, and enhanced conservation of
28 natural resources and energy.

29 (b) A high-speed rail system, when developed in
30 conjunction with sound land use planning, becomes an integral
31 part in achieving growth management goals and encourages the

1 use of public transportation to augment and implement land use
2 and growth management goals and objectives.

3 (c) Development and utilization of a properly
4 designed, constructed, and financed high-speed rail system and
5 associated development can act as a catalyst for economic
6 growth and development, mitigate unduly long and
7 traffic-congested commutes for day-to-day commuters, create
8 new employment opportunities, serve as a positive growth
9 management system for building a better and more
10 environmentally secure state, and serve a paramount public
11 purpose by promoting the health, safety, and welfare of the
12 citizens of the state.

13 (d) Transportation benefits of a high-speed rail
14 system include improved travel times and more reliable travel,
15 which will increase productivity and energy efficiency in the
16 state.

17 (2) The Legislature further finds that:

18 (a) Access to timely and efficient modes of passenger
19 transportation is necessary for travelers, visitors, and
20 day-to-day commuters, to the quality of life in the state, and
21 to the economy of the state.

22 (b) Technological advances in the state's
23 transportation system can significantly and positively affect
24 the ability of the state to attract and provide efficient
25 services for domestic and international tourists and therefore
26 increase revenue of the state.

27 (c) The geography of the state is suitable for the
28 construction and efficient operation of a high-speed rail
29 system.

30 (d) The public use of the high-speed rail system must
31 be encouraged and assured in order to achieve the public

1 purpose and objectives set forth in this act. In order to
2 encourage the public use of the high-speed rail system and to
3 protect the public investment in the system, it is necessary
4 to provide an environment surrounding each high-speed rail
5 station which will allow the development of associated
6 development for the purpose of creating revenue in support of
7 and for the high-speed rail system, enhance the safe movement
8 of pedestrians and traffic into and out of the area, ensure
9 the personal safety of high-speed rail system and related
10 facility users and their personal property while the users are
11 in the area of each station, and eliminate all conditions in
12 the vicinity which constitute economic and social impediments
13 and barriers to the use of the high-speed rail system and
14 associated development.

15 (e) Areas surrounding certain proposed high-speed rail
16 stations can, as a result of existing conditions, crime, and
17 traffic congestion, pose a serious threat to the use of the
18 high-speed rail system, reduce revenue from users, discourage
19 pedestrian and traffic ingress and egress, retard sound growth
20 and development, impair public investment, and consume an
21 excessive amount of public revenues in the employment of
22 police and other forms of public protection to adequately
23 safeguard the high-speed rail system and its users. Such areas
24 may require redevelopment, acquisition, clearance, or
25 disposition, or joint public and private development to
26 provide parking facilities, retail establishments,
27 restaurants, hotels, or office facilities associated with or
28 ancillary to the high-speed rail system and rail stations and
29 to otherwise provide for an environment that will encourage
30 the use of, and safeguard, the system.

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1 (f) The powers conferred by this act are for public
2 uses and purposes as established by s. 19, Art. X of the State
3 Constitution for which public funds may be expended and the
4 power of eminent domain may be exercised, and the necessity in
5 the public interest for the provisions herein enacted is
6 hereby declared as a matter of legislative determination to
7 implement the intent of s. 19, Art. X of the State
8 Constitution.

9 (g) Urban and social benefits include revitalization
10 of economically depressed areas, the redirection of growth in
11 a carefully and comprehensively planned manner, and the
12 creation of numerous employment opportunities within
13 inner-city areas.

14 (h) The provisions contained in this act are a
15 declaration of legislative intent that the state pursue the
16 development of a high-speed rail system to help solve
17 transportation problems and eliminate their negative effect on
18 the citizens of this state, and therefore serves a public
19 purpose.

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

24 (3) It is the intent of the Legislature to authorize
25 the authority to implement innovative mechanisms required to
26 effect the joint public-private venture approach to planning,
27 locating, permitting, managing, financing, constructing,
28 operating, and maintaining a high-speed rail system for the
29 state, including providing incentives for revenue generation,
30 operation, construction, and management by the private sector.

31

1 Section 3. Section 341.8203, Florida Statutes, is
2 created to read:

3 341.8203 Definitions.--As used in this act, unless the
4 context clearly indicates otherwise, the term:

5 (1) "Associated development" means property,
6 equipment, buildings, or other ancillary facilities which are
7 built, installed, or established to provide financing,
8 funding, or revenues for the planning, building, managing, and
9 operation of a high-speed rail system and which are associated
10 with or part of the rail stations. The term includes property,
11 including air rights, necessary for joint development, such as
12 parking facilities, retail establishments, restaurants,
13 hotels, offices, or other commercial, civic, residential, or
14 support facilities, and may also include property necessary to
15 protect or preserve the rail station area by reducing urban
16 blight or traffic congestion or property necessary to
17 accomplish any of the purposes set forth in this subsection
18 which are reasonably anticipated or necessary.

19 (2) "Authority" means the Florida High-Speed Rail
20 Authority and its agents.

21 (3) "Central Florida" means the counties of Lake,
22 Seminole, Orange, Osceola, Citrus, Sumter, Volusia, Brevard,
23 Hernando, Pasco, Hillsborough, Pinellas, and Polk.

24 (4) "DBOM contract" means the document and all
25 concomitant rights approved by the authority providing the
26 selected person or entity the exclusive right to design,
27 build, operate, and maintain a high-speed rail system.

28 (5) "DBOM & F contract" means the document and all
29 concomitant rights approved by the authority providing the
30 selected person or entity the exclusive right to design,
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1 build, operate, maintain, and finance a high-speed rail
2 system.

3 (6) "High-speed rail system" means any high-speed
4 fixed guideway system for transporting people or goods, which
5 system is capable of operating at speeds in excess of 120
6 miles per hour, including, but not limited to, a monorail
7 system, dual track rail system, suspended rail system,
8 magnetic levitation system, pneumatic repulsion system, or
9 other system approved by the authority. The term includes a
10 corridor and structures essential to the operation of the
11 line, including the land, structures, improvements,
12 rights-of-way, easements, rail lines, rail beds, guideway
13 structures, stations, platforms, switches, yards, parking
14 facilities, power relays, switching houses, rail stations,
15 associated development, and any other facilities or equipment
16 used or useful for the purposes of high-speed rail system
17 design, construction, operation, maintenance, or the financing
18 of the high-speed rail system.

19 (7) "Joint development" means the planning, managing,
20 financing, or constructing of projects adjacent to,
21 functionally related to, or otherwise related to a high-speed
22 rail system pursuant to agreements between any person, firm,
23 corporation, association, organization, agency, or other
24 entity, public or private.

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

27 (9) "Northwest Florida" means the counties of
28 Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington,
29 Jackson, Gadsden, Bay, Calhoun, Liberty, Gulf, Franklin, Leon,
30 Jefferson, Madison, Wakulla, Taylor, Hamilton, Suwannee,

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1 Columbia, Baker, Union, Lafayette, Gilchrist, Dixie, Bradford,
2 and Levy.

3 (10) "Rail station," "station," or "high-speed rail
4 station" means any structure or transportation facility that
5 is part of a high-speed rail system designed to accommodate
6 the movement of passengers from one mode of transportation to
7 another at which passengers board or disembark from
8 transportation conveyances and transfer from one mode of
9 transportation to another.

10 (11) "Selected person or entity" means the person or
11 entity to whom the authority awards a contract under s.
12 341.834 to establish a high-speed rail system pursuant to this
13 act.

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

17 (13) "Southwest Florida" means the counties of
18 Manatee, Hardee, DeSoto, Sarasota, Highlands, Charlotte,
19 Glades, Lee, Hendry, and Collier.

20 (14) "Urban areas" means Central Florida, Northeast
21 Florida, Northwest Florida, Southeast Florida, and Southwest
22 Florida.

23 Section 4. Section 341.821, Florida Statutes, is
24 amended to read:

25 341.821 Florida High-Speed Rail Authority.--

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

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

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

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

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

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

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

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

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

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

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

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

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1 (5) To facilitate the most efficient and effective
2 management, including the use of best management practices
3 employed by the private sector, the authority is created as an
4 enterprise and given the responsibility and authority that
5 provides it with the autonomy and flexibility to enable it to
6 more easily pursue innovations, as well as best practices in
7 management, finance, organization, and operations. The
8 creation of the authority as an enterprise is intended to
9 improve cost-effectiveness and timeliness of project delivery,
10 increase revenues, enhance the financial capability of the
11 high-speed rail system, and improve the quality of service to
12 its patrons, while continuing to protect the public and
13 private investment in the system.

14 Section 5. Section 341.822, Florida Statutes, is
15 amended to read:

16 341.822 Powers and duties.--

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

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

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

29 (4) The authority is authorized to seek and obtain
30 federal matching funds or any other funds to fulfill the
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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) Enforce collection of rates, fees, and charges,
15 and to establish and enforce fines and penalties for any
16 violation of rules.

17 (b) Advertise and promote high-speed rail systems,
18 associated development, and activities of the authority.

19 (c) Accept funds, donations, or contributions of
20 lands, buildings, or other real or personal property from
21 other governmental sources, and accept private donations.

22 (d) Purchase, by directly contracting with local,
23 national, or international insurance companies, liability
24 insurance that the authority is contractually and legally
25 obligated to provide, notwithstanding the requirements of s.
26 287.022(1).

27 (e) Sell name rights for high-speed rail stations and
28 other related facilities owned by the authority to corporate
29 or individual sponsors.

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

1 (7) The authority may:
2 (a) Make and execute agreements, leases, as lessee or
3 as lessor, contracts, deeds, and other instruments necessary
4 or convenient in the exercise of the powers and functions of
5 the authority under this act, including contracts with
6 persons, firms, corporations, federal and state agencies, and
7 other authorities authorized to enter into contracts and
8 otherwise cooperate with the authority to facilitate the
9 construction, leasing, or sale of the system;
10 (b) Engage in sale-leaseback, lease-purchase,
11 lease-leaseback, design-build, design build operate and
12 maintain (DBOM), design build operate maintain and finance
13 (DBOM & F), or other undertakings, and provide for the sale of
14 certificates of participation incident thereto; and
15 (c) Enter into interlocal agreements in the manner
16 provided in s. 163.01.
17 (8) It is the express intent of this act that the
18 authority be authorized, pursuant to provisions of this act,
19 to plan, develop, own, purchase, lease, or otherwise acquire,
20 demolish, construct, improve, relocate, equip, repair,
21 maintain, operate, and manage a high-speed rail system and
22 associated development, and to establish and determine such
23 policies as may be necessary for the best interests of the
24 operation and promotion of a high-speed rail system.
25 Section 6. Section 341.823, Florida Statutes, is
26 amended to read:
27 341.823 Criteria for assessment and recommendations.--
28 (1) The following criteria shall apply to the
29 establishment of the high-speed rail system ~~in developing the~~
30 ~~preliminary engineering, preliminary environmental assessment,~~
31 ~~and recommendations~~ required by this 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 the St. Petersburg area, the
6 Tampa area, and the Orlando area, with future service to the
7 Miami area;

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

12 (2) The authority shall establish requirements ~~make~~
13 ~~recommendations~~ concerning:

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

18 (b) The preferred routes between the cities and urban
19 areas designated in accordance with s. 341.8203 in paragraph
20 ~~(1)(b)~~;

21 (c) The preferred locations for the stations in the
22 cities and urban areas designated in accordance with s.
23 341.8203 in paragraph (1)(b);

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

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

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

1 ~~(3) When preparing the operating plan, the authority~~
2 ~~shall include:~~
3 ~~(a) The frequency of service between the cities~~
4 ~~designated in paragraph (1)(b):~~
5 ~~(b) The proposed fare structure for passenger and~~
6 ~~freight service:~~
7 ~~(c) Proposed trip times, system capacity, passenger~~
8 ~~accommodations, and amenities:~~
9 ~~(d) Methods to ensure compliance with applicable~~
10 ~~environmental standards and regulations:~~
11 ~~(e) A marketing plan, including strategies that can be~~
12 ~~employed to enhance the utilization of the system:~~
13 ~~(f) A detailed planning-level ridership study:~~
14 ~~(g) Consideration of nonfare revenues that may be~~
15 ~~derived from:~~
16 ~~1. The sale of development rights at the stations;~~
17 ~~2. License, franchise, and lease fees;~~
18 ~~3. Sale of advertising space on the trains or in the~~
19 ~~stations; and~~
20 ~~4. Any other potential sources deemed appropriate.~~
21 ~~(h) An estimate of the total cost of the entire~~
22 ~~system, including, but not limited to, the costs to:~~
23 ~~1. Design and build the stations and monorail, fixed~~
24 ~~guideway, or magnetic levitation system;~~
25 ~~2. Acquire any necessary rights-of-way;~~
26 ~~3. Purchase or lease rolling stock and other equipment~~
27 ~~necessary to build, operate, and maintain the system.~~
28 ~~(i) An estimate of the annual operating and~~
29 ~~maintenance costs for the system and all other associated~~
30 ~~expenses.~~
31

1 ~~(j) An estimate of the value of assets the state or~~
2 ~~its political subdivisions may provide as in-kind~~
3 ~~contributions for the system, including rights-of-way,~~
4 ~~engineering studies performed for previous high-speed rail~~
5 ~~initiatives, land for rail stations and necessary maintenance~~
6 ~~facilities, and any expenses that may be incurred by the state~~
7 ~~or its political subdivisions to accommodate the installation~~
8 ~~of the system.~~

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

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

17 Section 7. Section 341.824, Florida Statutes, is
18 amended to read:

19 341.824 Technical, scientific, or other assistance.--

20 (1) The Florida Transportation Commission, the
21 Department of Community Affairs, and the Department of
22 Environmental Protection shall, at the authority's request,
23 provide technical, scientific, or other assistance.

24 (2) The Department of Community Affairs shall, if
25 requested, provide assistance to local governments in
26 analyzing the land use and comprehensive planning aspects of
27 the high-speed rail system. The Department of Community
28 Affairs shall assist the authority with the resolution of any
29 conflicts between the system and adopted local comprehensive
30 plans.

31

1 (3) The Department of Environmental Protection shall,
2 if requested, provide assistance to local governments and
3 other permitting agencies in analyzing the environmental
4 aspects of the high-speed rail system. The Department of
5 Environmental Protection shall assist the authority and the
6 contractor in expediting the approval of the necessary
7 environmental permits for the system.

8 Section 8. Section 341.825, Florida Statutes, is
9 created to read:

10 341.825 Preemption; sole and exclusive determination
11 of need for the high-speed rail transportation system.--Upon
12 the adoption of s. 19, Art. X of the State Constitution and
13 the legislative findings set forth in this act, the State of
14 Florida preempts by this act any question, issue, or
15 determination that the high-speed rail system is needed or is
16 in the public interest. The Legislature expressly mandates,
17 on these bases, the need for high-speed rail transportation in
18 order to effect the public purposes of s. 19, Art. X of the
19 State Constitution and this act is the sole and exclusive
20 determination of need for any high-speed rail system
21 established pursuant to this act, thereby preempting the
22 determination of need and the necessity of assessing or
23 weighing need with the impacts of any high-speed rail system.

24 Section 9. Section 341.826, Florida Statutes, is
25 created to read:

26 341.826 Exclusivity.--The authority shall have the
27 exclusive power to establish high-speed rail systems in the
28 State of Florida and no high-speed rail system may be
29 authorized, financed, constructed, or operated other than
30 pursuant to the provisions of this act.

31

1 Section 10. Section 341.827, Florida Statutes, is
2 created to read:

3 341.827 Service areas; segment designation.--

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

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

10 (3) The authority shall plan and develop the
11 high-speed rail system so that construction proceeds as
12 follows:

13 (a) The initial segments of the system shall be
14 developed and operated between the St. Petersburg area, the
15 Tampa area, the Lakeland/Winter Haven area, and the Orlando
16 area, with future service to the Miami area.

17 (b) Construction of subsequent segments of the
18 high-speed rail system shall connect the metropolitan areas of
19 Port Canaveral/Cocoa Beach, Ft. Pierce, West Palm Beach, Ft.
20 Lauderdale, Daytona Beach, St. Augustine, Jacksonville, Ft.
21 Myers/Naples, Sarasota/Bradenton, Gainesville/Ocala,
22 Tallahassee, and Pensacola.

23 (c) Selection of segments of the high-speed rail
24 system to be constructed subsequent to the initial segments of
25 the system shall be prioritized by the authority, giving
26 consideration to the demand for service, financial
27 participation by local governments, financial participation by
28 the private sector, and the available financial resources of
29 the authority.

30 Section 11. Section 341.828, Florida Statutes, is
31 created to read:

1 341.828 Route alignment selection.--
2 (1) The authority is authorized to select a route
3 alignment for the high-speed rail system and, for the purposes
4 of permitting, may utilize one or more permitting processes
5 provided for in statute, including, but not limited to, the
6 metropolitan planning organization long-range transportation
7 planning process as defined in s. 339.175 (6) and (7), in
8 conjunction with the Department of Transportation's work
9 program process as defined in s. 339.135, or any permitting
10 process now in effect or that may be in effect at the time of
11 permitting and will provide the most timely and cost-effective
12 permitting process.
13 (2) The authority shall work in cooperation with
14 metropolitan planning organizations in areas where the
15 high-speed rail system will be located. The metropolitan
16 planning organizations shall cooperate with the authority and
17 include the high-speed rail system alignment within their
18 adopted long-range transportation plans and transportation
19 improvement programs for the purposes of providing public
20 information, consistency with the plans, and receipt of
21 federal and state funds by the authority to support the
22 high-speed rail system.
23 (3) For purposes of selecting a route alignment, the
24 authority may use the project development and environment
25 study process, including the efficient transportation
26 decisionmaking system process as adopted by the Department of
27 Transportation. The authority has the sole responsibility to
28 adopt the final alignment for the high-speed rail system. The
29 high-speed rail system is considered to be a compelling state
30 interest and, as such, the authority's decision on the system
31 alignment is final.

1 Section 12. Section 341.829, Florida Statutes, is
2 created to read:

3 341.829 Conflict prevention, mitigation, and
4 resolution.--

5 (1) The authority, in conjunction with the Executive
6 Office of the Governor, the Department of Community Affairs,
7 and the Department of Environmental Protection, shall develop
8 and implement, within 180 days after the effective date of
9 this act, a process to prevent, mitigate, and resolve, to the
10 maximum extent feasible, any conflicts or potential conflicts
11 of a high-speed rail system with growth management
12 requirements and environmental standards.

13 (2) Any person who disagrees with the final alignment
14 decision of the authority must file a complaint with the
15 authority within 20 days after the authority's final adoption
16 of the alignment.

17 (3) The authority must respond to any timely filed
18 complaint within 60 days after the complaint is filed with the
19 authority.

20 Section 13. Section 341.830, Florida Statutes, is
21 created to read:

22 341.830 Procurement.--

23 (1) The authority may employ procurement methods under
24 chapters 255, 287, and 337 and under any rule adopted under
25 such chapters. To enhance the effective and efficient
26 operation of the authority, and to enhance the ability of the
27 authority to use best business practices, the authority may,
28 pursuant to ss. 120.536(1) and 120.54, adopt rules for and
29 employ procurement methods available to the private sector.

30 (2) The authority is authorized to procure commodities
31 and the services of a qualified person or entity to design,

1 build, finance, operate, maintain, and implement a high-speed
2 rail system, including the use of a DBOM or DBOM & F method
3 using a request for proposal, a request for qualifications, or
4 an invitation to negotiate.

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

7 341.831 Prequalification.--

8 (1) The authority may prequalify interested persons or
9 entities prior to seeking proposals for the design,
10 construction, operation, maintenance, and financing of the
11 high-speed rail system. The authority may establish qualifying
12 criteria that may include, but not be limited to, experience,
13 financial resources, organization and personnel, equipment,
14 past record or history of the person or entity, ability to
15 finance or issue bonds, and ability to post a construction or
16 performance bond.

17 (2) The authority may establish the qualifying
18 criteria in a request for qualification without adopting the
19 qualifying criteria as rules.

20 Section 15. Section 341.832, Florida Statutes, is
21 created to read:

22 341.832 Request for qualifications.--

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

30 (2) The authority may issue a request for
31 qualifications without adopting a rule.

1 Section 16. Section 341.833, Florida Statutes, is
2 created to read:

3 341.833 Request for proposals.--

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

11 (2) In the request for proposals, the authority shall
12 specify the minimum period of time for the contract duration.
13 A person or entity may propose a longer period of time for the
14 contract and provide justification of the need for an extended
15 contract period. If the authority extends the time period for
16 the contract, such time period shall be extended for all
17 persons or entities if so requested.

18 Section 17. Section 341.834, Florida Statutes, is
19 created to read:

20 341.834 Award of a contract; exclusive rights.--

21 (1) The award of a contract by the authority to a
22 person or entity is the sole authority for the person or
23 entity to establish a high-speed rail system in this state,
24 including rail stations and associated development.

25 (2) The authority may award a contract subject to such
26 terms and conditions, including, but not limited to,
27 compliance with any applicable permitting requirements, and
28 any other terms and conditions the authority considers
29 appropriate.

30 (3) The contract shall authorize the contractor to
31 provide service between stations as established by the

1 contract. The contractor shall coordinate its facilities and
2 services with passenger rail providers, commuter rail
3 authorities, and public transit providers to provide access to
4 and from the high-speed rail system.

5 (4) The contractor shall not convey, lease, or
6 otherwise transfer any high-speed rail system property, any
7 interest in such property, or any improvement constructed upon
8 such property without written approval of the authority.

9 Section 18. Section 341.835, Florida Statutes, is
10 created to read:

11 341.835 Acquisition of property; eminent domain;
12 rights-of-way; disposal of land.--

13 (1) The authority may purchase, lease, exchange, or
14 otherwise acquire any land, property interests, or buildings
15 or other improvements, including personal property within such
16 buildings or on such lands, necessary to secure or utilize
17 rights-of-way for existing, proposed, or anticipated
18 high-speed rail system facilities.

19 (2) The power of eminent domain is vested in the
20 authority to condemn all necessary lands and property,
21 including rights of access, air, view, and light, whether
22 public or private, for the purpose of securing and utilizing
23 rights-of-way for a high-speed rail system, including, but not
24 limited to, any lands reasonably necessary for securing
25 applicable permits, areas necessary for management of access,
26 borrow pits, drainage ditches, water retention areas, rail
27 stations, and related or ancillary facilities for the purposes
28 stated in this act, replacement access for landowners whose
29 access is impaired due to the construction of a system, and
30 replacement rights-of-way for relocated rail and utility
31 facilities, for the construction, reconstruction, relocation,

1 maintenance, and operation of an existing, proposed, or
2 anticipated high-speed rail system and associated development
3 or related or ancillary facilities.

4 (3) The authority is specifically authorized to
5 exercise its eminent domain powers under both chapter 73 and
6 chapter 74.

7 (4) The authority may exercise the power of eminent
8 domain to obtain title to real property necessary to
9 accomplish the purposes of this act, or the authority may
10 request the Department of Transportation to exercise the power
11 of eminent domain to obtain title to such real property.

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

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

29 (7) In acquiring property or property rights for any
30 high-speed rail system or related or ancillary facilities, the
31 authority may acquire an entire lot, block, or tract of land

1 if the interests of the public will be best served by such
2 acquisition, even though the entire lot, block, or tract is
3 not immediately needed for the right-of-way proper or for the
4 specific related or ancillary facilities.

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

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

16 (10) The Department of Transportation shall grant
17 easements, consistent with applicable federal and state laws,
18 within state-owned transportation facility rights-of-way to
19 the authority for a high-speed rail system. Said easements
20 shall be conveyed to the authority without compensation to the
21 department, provided, however, that the department may impose
22 such terms and conditions on the easement as are necessary to
23 protect the interests of bondholders for any outstanding bonds
24 issued for the right-of-way. The term of any such easement
25 shall be at least for the same length of time as the term for
26 a contract for operation and maintenance of the high-speed
27 rail system within the right-of-way or for the term of any
28 bonds or other financing instruments issued for the high-speed
29 rail system within the easement, whichever is longer.

30
31

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

4 Section 19. Section 341.836, Florida Statutes, is
5 created to read:

6 341.836 Associated development.--

7 (1) The authority, alone or as part of a joint
8 development, may undertake development of associated
9 developments to be a source of revenue for the establishment,
10 construction, operation, or maintenance of the high-speed rail
11 system. Such associated developments must be associated with
12 a rail station and have pedestrian ingress to and egress from
13 the rail station; be consistent, to the extent feasible, with
14 applicable local government comprehensive plans and local land
15 development regulations; and otherwise be in compliance with
16 the provisions of this act.

17 (2) This act does not prohibit the authority, the
18 selected person or entity, or a party to a joint venture with
19 the authority or its selected person or entity from obtaining
20 approval, pursuant to any other law, for any associated
21 development that is reasonably related to the high-speed rail
22 system.

23 Section 20. Section 341.837, Florida Statutes, is
24 created to read:

25 341.837 Payment of expenses.--All expenses incurred in
26 carrying out the provisions of this act shall be payable
27 solely from funds provided under the authority of this act, or
28 from other legally available sources, and no liability or
29 obligation shall be incurred by the authority, the board, or
30 its members hereunder beyond the extent to which moneys have
31 been provided.

1 Section 21. Section 341.838, Florida Statutes, is
2 created to read:

3 341.838 Rates, rents, fees, and charges.--

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

18 (2) Rates, rents, fees, and charges fixed, revised,
19 charged, and collected pursuant to this section shall not be
20 subject to supervision or regulation by any department,
21 commission, board, body, bureau, or agency of this state other
22 than the authority.

23 Section 22. Section 341.839, Florida Statutes, is
24 created to read:

25 341.839 Alternate means.--The foregoing sections of
26 this act shall be deemed to provide an additional and
27 alternative method for accomplishing the purposes authorized
28 therein, and shall be regarded as supplemental and additional
29 to powers conferred by other laws. Except as otherwise
30 expressly provided in this act, none of the powers granted to
31 the authority under the provisions of this act shall be

1 subject to the supervision or regulation or require the
2 approval or consent of any municipality or political
3 subdivision or any commission, board, body, bureau, official,
4 or agency thereof or of the state.

5 Section 23. Section 341.840, Florida Statutes, is
6 created to read:

7 341.840 Tax exemption.--The exercise of the powers
8 granted by this act will be in all respects for the benefit of
9 the people of this state, for the increase of their commerce,
10 welfare, and prosperity, and for the improvement of their
11 health and living conditions, and as the design, building,
12 operation, maintenance, and financing of a system by the
13 authority or its agent or the owner or lessee thereof, as
14 herein authorized, constitutes the performance of an essential
15 public function, neither the authority, its agent, nor the
16 owner of such system shall be required to pay any taxes or
17 assessments upon or in respect to the system or any property
18 acquired or used by the authority, its agent, or such owner
19 under the provisions of this act or upon the income therefrom,
20 any security therefor, their transfer, and the income
21 therefrom, including any profit made on the sale thereof,
22 shall at all times be free from taxation of every kind by the
23 state, the counties, and the municipalities and other
24 political subdivisions in the state.

25 Section 24. Section 341.841, Florida Statutes, is
26 created to read:

27 341.841 Report; audit.--The authority shall prepare an
28 annual report of its actions, findings, and recommendations
29 and submit the report to the Governor, the President of the
30 Senate, and the Speaker of the House of Representatives on or
31 before January 1. Not less than annually, the authority shall

1 provide for an audit by certified public accountants of its
2 books and accounts, the cost of which shall be paid from funds
3 available to the authority pursuant to this act.

4 Section 25. Section 341.842, Florida Statutes, is
5 created to read:

6 341.842 Liberal construction.--This act, being
7 necessary for the welfare of the state and its inhabitants,
8 shall be liberally construed to effect the purposes hereof.

9 Section 26. Section 341.843, Florida Statutes, is
10 created to read:

11 341.843 Provisions of act controlling.--To the extent
12 that the provisions of this act are inconsistent with the
13 provisions of any general statute or special act or parts
14 thereof, the provisions of this act shall be deemed
15 controlling.

16 Section 27. Subsection (10) of section 288.109,
17 Florida Statutes, is amended to read:

18 288.109 One-Stop Permitting System.--

19 (10) Notwithstanding any other provision of law or
20 administrative rule to the contrary, the fee imposed by a
21 state agency or water management district for issuing a
22 development permit shall be waived for a 6-month period
23 beginning on the date the state agency or water management
24 district begins accepting development permit applications over
25 the Internet and the applicant submits the development permit
26 to the agency or district using the One-Stop Permitting
27 System. The 6-month fee waiver shall not apply to development
28 permit fees assessed by the Electrical Power Plant Siting Act,
29 ss. 403.501-403.519; the Transmission Line Siting Act, ss.
30 403.52-403.5365; the statewide Multi-purpose Hazardous Waste
31 Facility Siting Act, ss. 403.78-403.7893; and the Natural Gas

1 Pipeline Siting Act, ss. 403.9401-403.9425; ~~and the High Speed~~
2 ~~Rail Transportation Siting Act, ss. 341.3201-341.386.~~

3 Section 28. Subsection (6) of section 334.30, Florida
4 Statutes, is amended to read:

5 334.30 Private transportation facilities.--The
6 Legislature hereby finds and declares that there is a public
7 need for rapid construction of safe and efficient
8 transportation facilities for the purpose of travel within the
9 state, and that it is in the public's interest to provide for
10 the construction of additional safe, convenient, and
11 economical transportation facilities.

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

17 Section 29. Subsection (9) of section 337.251, Florida
18 Statutes, is amended to read:

19 337.251 Lease of property for joint public-private
20 development and areas above or below department property.--

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

26 Section 30. Section 341.501, Florida Statutes, is
27 amended to read:

28 341.501 High-technology transportation systems; joint
29 project agreement or assistance.--Notwithstanding any other
30 provision of law, the Department of Transportation may enter
31 into a joint project agreement with, or otherwise assist,

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

11 Section 31. (1) There is appropriated from funds
12 within the State Transportation Trust Fund designated for the
13 Transportation Outreach Program (TOP) by section 339.137,
14 Florida Statutes, to the Florida High-Speed Rail Authority the
15 sum of \$4.5 million for fiscal year 2002-2003 to assist in the
16 implementation of this act. In the event that section 339.137,
17 Florida Statutes, is repealed, the sum of \$4.5 million for
18 fiscal year 2002-2003 is appropriated from funds within the
19 State Transportation Trust Fund committed by the Department of
20 Transportation for public transportation projects in
21 accordance with chapter 341, Florida Statutes, as provided in
22 section 206.46(3), Florida Statutes, to the Florida High-Speed
23 Rail Authority for the purposes set forth in this section.

24 (2) This section shall take effect July 1, 2002.

25 Section 32. Sections 341.3201, 341.321, 341.322,
26 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331,
27 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337,
28 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365,
29 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465,
30 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364,
31 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375,

1 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are
2 repealed.

3 Section 33. Except as otherwise provided in this act,
4 this act shall take effect upon becoming a law.

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LEGISLATIVE SUMMARY

Creates the "Florida High-Speed Rail Authority Act."
Provides legislative findings, policy, purpose, and
intent with respect to the development, financing,
construction, and operation of a high-speed rail system.

Revises and provides additional powers and duties of the
authority. Revises the criteria for assessment and
recommendations with respect to the establishment of the
high-speed rail system. Specifies types of technical,
scientific, or other assistance to be provided by the
Department of Community Affairs and the Department of
Environmental Protection. Provides for sole and
exclusive determination of need for the high-speed rail
system established pursuant to the act. Provides that
the power of the authority to establish high-speed rail
systems in the state is exclusive. Provides for
determination of service areas and the order of system
segment construction. Authorizes the authority to select
a route alignment for the system and to utilize existing
permitting processes in such selection process. Provides
sole responsibility to the authority for the adoption of
final alignment. Requires the authority, in conjunction
with the Executive Office of the Governor, the Department
of Community Affairs, and the Department of Environmental
Protection, to develop and implement a process to
mitigate and resolve conflicts between the system and
growth management requirements and environmental
standards. Provides time limits for the filing of and
response to specified complaints. Authorizes the
authority to employ specified procurement methods.
Provides for the adoption of rules. Authorizes the
authority to procure commodities and services for the
designing, building, financing, maintenance, operation,
and implementation of a high-speed rail system.
Authorizes the authority to prequalify interested persons
or entities prior to seeking proposals for the design,
construction, operation, maintenance, and financing of
the high-speed rail system. Provides for the
establishment of qualifying criteria. Authorizes the
authority to develop and execute a request for
qualifications process. Authorizes the authority to
develop and execute a request for proposals process to
seek a person or entity to design, build, operate,
maintain, and finance a high-speed rail system. Provides
that the award of a contract by the authority is the sole
authority for the person or entity selected to establish
a high-speed rail system. Provides for award of a
conditional contract. Provides contract requirements.
Prohibits transfer of system property without written
approval. Authorizes the authority to purchase, lease,
exchange, or acquire land, property, or buildings
necessary to secure or utilize rights-of-way for
high-speed rail system facilities. Provides the
authority with the power of eminent domain. Provides
that the authority is not subject to specified liability.
Authorizes the authority and the Department of
Environmental Protection to enter into certain interlocal

1 | agreements. Requires the Department of Transportation to
2 | grant specified easements. Authorizes the authority to
3 | undertake the development of associated developments.
4 | Provides requirements of associated developments.
5 | Provides for payment of expenses incurred in carrying out
6 | the act.

7 | Authorizes the authority to fix, revise, charge, collect,
8 | and adjust rates, rents, fees, charges, and revenues, and
9 | to enter into contracts. Provides for annual review by
10 | the authority of rates, rents, fees, and charges. Exempts
11 | powers of the authority from specified supervision,
12 | regulation, approval, or consent. Provides tax exemptions
13 | for property acquired or used by the authority or
14 | specified income. Requires the authority to prepare and
15 | submit a report. Provides for an annual audit.

16 | Appropriates \$4.5 million for the Florida High-Speed Rail
17 | Authority for fiscal year 2002-2003 from funds designated
18 | for the Transportation Outreach Program. Provides for a
19 | contingent appropriation in the event of the repeal of
20 | the program.

21 | Repeals ss. 341.3201-341.386, F.S., the "Florida
22 | High-Speed Rail Transportation Act."

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