

709-124BX-02

Bill No. CS/HB 261, 1st Eng.

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Ross, Russell, and Johnson offered the  
12 following:

14 **Amendment (with title amendment)**

15 On page 35, between lines 12 and 13, of the bill

17 insert:

18 Section 28. Section 339.141, Florida Statutes, is  
19 created to read:

20 339.141 Regional Transportation Act; short title;  
21 purpose; Regional Transportation Advisory Council; creation;  
22 membership; transportation grants; criteria; applications;  
23 approval; project lists; funding.--

24 (1) Sections 339.141-339.143 shall be known as the  
25 "Regional Transportation Act," dedicated to identifying and  
26 funding high-priority regional transportation projects that  
27 create intermodal transportation linkages for passengers and  
28 freight, thus increasing cost-competitive travel choices for  
29 Florida residents, visitors, and businesses.

30 (2) The underlying purposes of the Regional  
31 Transportation Act are to identify projects throughout the

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1 state that will provide more efficient movement of travelers,  
2 goods, and services; assist local governments in developing  
3 intermodal linkages; promote logical linkages between  
4 different modes of transportation; and attract federal, state,  
5 local, and private-sector funds to make these improvements.

6 (3) The Regional Transportation Advisory Council is  
7 created to make recommendations annually to the Legislature on  
8 the selection of projects as provided in this section.

9 Recommendations shall be made for projects seeking Regional  
10 Transportation Act grants pursuant to s. 339.143.

11 (4) The council shall consist of:

12 (a) The secretary of the Department of Transportation,  
13 or his or her designee.

14 (b) Two members of the Senate appointed by the  
15 President of the Senate.

16 (c) Two members of the House of Representatives  
17 appointed by the Speaker of the House of Representatives.

18  
19 Terms for council members from the Legislature shall be 2  
20 years, provided that a legislative member's term shall not  
21 exceed the term of the presiding officer making that member's  
22 appointment to the council. Initial appointments must be made  
23 no later than 30 days after the effective date of this act.  
24 Vacancies on the council shall be filled in the same manner as  
25 the initial appointments.

26 (5) Each member of the council shall be allowed one  
27 vote. The council shall select a chair from among its  
28 membership. Meetings shall be held at the call of the chair  
29 but not less frequently than quarterly. The members of the  
30 council shall be reimbursed for per diem and travel expenses  
31 as provided in s. 112.061.

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1           (6) The Department of Transportation shall provide  
2 administrative staff support and shall ensure that council  
3 meetings are electronically recorded. Such recordings and all  
4 documents received, prepared for, or used by the council in  
5 conducting its business shall be preserved pursuant to  
6 chapters 119 and 257.

7           (7) Applications for Regional Transportation Act  
8 funding shall be submitted to the department no later than  
9 October 1 of each year, beginning in 2002, along with  
10 documentation that the proposed project meets the criteria  
11 listed in s. 339.143. Regional Transportation Act projects may  
12 be proposed by any local government, regional organization,  
13 economic development board, public or private partnership,  
14 metropolitan planning organization, state agency, or other  
15 entity engaged in economic development activities.

16           (8) The department shall review all of the  
17 applications submitted to determine which ones meet the basic  
18 criteria listed in s. 339.143(3). By December 1 of each year,  
19 beginning in 2002, the department shall submit to the council  
20 all of the Regional Transportation Act grant applications that  
21 comply. Included in the department's submittal shall be a  
22 summary of each eligible grant application, including summary  
23 information indicating how the project meets the criteria in  
24 s. 339.143(5).

25           (9)(a) The council shall evaluate all of the  
26 applications it receives from the department and shall  
27 annually develop a list of recommended projects for Regional  
28 Transportation Act grants. The council shall then submit its  
29 recommended project list to the Secretary of the Department of  
30 Transportation for review and inclusion of any additional  
31 compilation of supporting documentation. The Secretary shall

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1 then submit the approved list to the Legislature for its  
2 consideration in time for inclusion in the General  
3 Appropriations Act.

4 (b) In selecting projects for inclusion on its  
5 recommended projects list, the council shall consider the  
6 additional criteria in s. 339.143(5).

7 (10) The council is encouraged to seek input from  
8 transportation or economic development entities and to  
9 consider the reports and recommendations of task forces, study  
10 commissions, or similar entities charged with reviewing issues  
11 relevant to the council's mission.

12 (11) The council's recommended projects list shall not  
13 be ranked. The list shall total an amount that is no more than  
14 1.5 times the amount of state funding available for the total  
15 regional transportation program that fiscal year.

16 (12) The Legislature shall consider the council's  
17 recommended projects list and shall include approved projects  
18 in the General Appropriations Act. Projects approved by the  
19 Legislature must be included in the department's adopted work  
20 program.

21 (13) For fiscal years 2003-2004 and 2004-2005, the  
22 department shall allocate a minimum of \$62 million from the  
23 State Transportation Trust Fund in its program and resource  
24 plan to fund the programs in ss. 339.141-339.143. For fiscal  
25 year 2005-2006, the department shall allocate a minimum of \$96  
26 million for the program in ss. 339.141-339.143. Beginning in  
27 fiscal year 2006-2007 and for each year thereafter, the  
28 minimum amount allocated shall be \$100 million for projects  
29 seeking Regional Transportation Grants. This allocation of  
30 funds is in addition to any funding provided to this program  
31 by any other provision of law. Notwithstanding any other laws

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1 to the contrary, the requirements of ss. 339.135(1)-(5),  
2 339.155, and 339.175 shall not apply to these funds and  
3 programs.

4 Section 29. Section 339.142, Florida Statutes, is  
5 created to read:

6 339.142 Regional transportation corridors.--

7 (1) A "regional transportation corridor" is defined as  
8 a regional system of transportation infrastructure that  
9 collectively provides for the efficient movement of  
10 significant numbers of persons and significant volumes of  
11 intrastate, interstate, and international commerce by  
12 seamlessly linking multiple modes of travel.

13 (2) Florida's initial regional transportation  
14 corridors are:

15 (a) The Interstate 10 Corridor, from Pensacola to  
16 Jacksonville.

17 (b) The Gulf Coast Corridor, from Pensacola to St.  
18 Petersburg and to Tampa along U.S. 98 and U.S. 19/State Road  
19 27.

20 (c) The Interstate 95-Atlantic Coast Corridor, from  
21 Jacksonville to Miami.

22 (d) The Central Florida/North-South Corridor, from the  
23 Florida-Georgia border to Naples and Fort Lauderdale/Miami,  
24 along Interstate 75.

25 (e) The Central Florida/East-West Corridor, from St.  
26 Petersburg to Tampa and to Titusville, along Interstate 4 and  
27 the Beeline Expressway.

28 (f) The Jacksonville to Tampa Corridor, along U.S.  
29 301.

30 (g) The Jacksonville to Orlando Corridor, along U.S.  
31 17.

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1           (h) The Southeastern Everglades Corridor, linking  
2 Wildwood, Winter Garden, Orlando, and West Palm Beach via the  
3 Florida Turnpike.

4  
5 For the purposes of this subsection, the term "corridor"  
6 includes the roadways linking seaports, commercial service and  
7 general aviation airports, rail yards, transportation  
8 terminals, and intermodal service centers to the major  
9 highways listed in this subsection to designate regional  
10 corridors.

11           (3) The Regional Transportation Advisory Council is  
12 authorized to make additions to, deletions from, or  
13 modifications to the initially designated corridors listed in  
14 subsection (2). These changes shall be accomplished through  
15 adoption of a resolution by majority vote of the council  
16 indicating the changes to the corridors. The department may  
17 provide input to the council regarding proposed changes to the  
18 corridors, including the results of any consensus-building  
19 process undertaken by the department to better define regional  
20 transportation corridors. In addition, any of the entities  
21 eligible to submit an application for a Regional  
22 Transportation Act grant pursuant to s. 339.141(7)(a) may  
23 propose corridor changes to the council. The council shall  
24 provide any such adopted resolutions to the Governor, the  
25 President of the Senate, and the Speaker of the House of  
26 Representatives.

27           Section 30. Section 339.143, Florida Statutes, is  
28 created to read:

29           339.143 Regional Transportation Act grants.--

30           (1) The Legislature finds that Florida's future  
31 regional investments in transportation should be targeted

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1 toward a regional transportation system that integrates key  
2 components of the Florida Intrastate Highway System, seaports,  
3 spaceports, aviation facilities, and rail facilities within  
4 designated corridors. The Legislature further finds that  
5 Florida's future economic health depends on a system that can  
6 successfully move growing numbers of residents and tourists  
7 and transport goods and services within Florida, as well as to  
8 and from national and international markets. Therefore, the  
9 Legislature creates Regional Transportation Act grants to  
10 address these needs and to supplement existing related  
11 transportation programs.

12 (2) Projects eligible to receive Regional  
13 Transportation Act grants include, but are not limited to, the  
14 following:

15 (a) Seaport projects that improve cargo and passenger  
16 movements or connect the seaports to other modes of  
17 transportation.

18 (b) Aviation projects that increase passenger  
19 enplanements and cargo activity or connect airports to other  
20 modes of transportation.

21 (c) Transit projects that improve mobility on  
22 interstate highways, improve regional or localized travel, or  
23 connect to other modes of transportation.

24 (d) Rail projects that facilitate the movement of  
25 passengers and cargo, including ancillary pedestrian  
26 facilities, or connect rail facilities to other modes of  
27 transportation.

28 (e) Road or highway improvements that improve access  
29 to another mode of transportation.

30 (f) Roadway relocation projects or other projects that  
31 address vehicle user conflicts, access issues, or safety

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1 concerns with rail lines.

2 (3) The basic criteria for receipt of a Regional  
3 Transportation Act grant are as follows:

4 (a) The project must be able to be made production  
5 ready within a 5-year period following the end of the current  
6 fiscal year.

7 (b) The project must be consistent with a current  
8 transportation system plan, including, but not limited to, the  
9 Florida Intrastate Highway System, aviation, intermodal/rail,  
10 seaport, spaceport, or transit system plans.

11 (c) The project must not be inconsistent with an  
12 approved local comprehensive plan of any local government  
13 within whose boundaries the project is located in whole or in  
14 part, or, if inconsistent, must be accompanied by an  
15 explanation of why the project should be undertaken.

16 (d) The project must be of statewide or regional  
17 significance.

18 (e) The project must facilitate the movement of  
19 people, goods, and services within a regional transportation  
20 corridor designated pursuant to s. 339.142.

21 (f) The project must encourage, enhance, or create  
22 economic benefits in urban or rural areas.

23 (4) Eligible projects that meet the basic criteria in  
24 subsection (3) as determined by the department shall be  
25 forwarded by the department to the Regional Transportation  
26 Council for evaluation.

27 (5) The council shall use the following criteria for  
28 selecting projects for its recommended projects list:

29 (a) Whether other funds are available to help complete  
30 the project.

31 (b) The amount of local, federal, or private matching



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1 funds available for the project.

2 (c) The extent to which the project incorporates  
3 corridor management techniques, including access management  
4 strategies, right-of-way acquisition or protection measures,  
5 and appropriate zoning and setback controls.

6 (d) The extent to which the project supports a  
7 multimodal transportation district established pursuant to s.  
8 163.3180(15).

9 (e) The extent to which the project uses new  
10 technologies, including intelligent transportation systems, to  
11 enhance the efficiency of the transportation system.

12 (6) Pursuant to s. 339.141, the Regional  
13 Transportation Advisory Council shall develop a list of  
14 recommended regional transportation projects and submit it to  
15 the Secretary of the Department of Transportation, who, after  
16 reviewing it and its supporting documentation, shall forward  
17 it to the Legislature. The Legislature shall consider the  
18 council's recommended projects list and shall include approved  
19 projects in the General Appropriations Act.

20 Section 31. Subsections (2), (3) and (6) of section  
21 339.2817, Florida Statutes, are amended to read:

22 339.2817 County Incentive Grant Program.--

23 (2) To be eligible for consideration, projects must be  
24 consistent with applicable local government comprehensive  
25 plans and, to the maximum extent feasible, with local  
26 metropolitan planning organization plans ~~and local government~~  
27 ~~comprehensive plans~~.

28 (3) The department must consider, but is not limited  
29 to, the following criteria for evaluation of projects for  
30 County Incentive Grant Program assistance:

31 (a) The extent to which the project will encourage,

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1 enhance, or create economic benefits;

2 (b) The likelihood that assistance would enable the  
3 project to proceed at an earlier date than the project could  
4 otherwise proceed;

5 (c) The extent to which assistance would foster  
6 innovative public-private partnerships and attract private  
7 debt or equity investment;

8 (d) The extent to which the project uses new  
9 technologies, including intelligent transportation systems,  
10 which enhance the efficiency of the project;

11 (e) The extent to which the project helps to maintain  
12 or protect the environment; ~~and~~

13 (f) The extent to which the project includes  
14 transportation benefits for improving intermodalism and  
15 safety;-

16 (g) The extent to which the county has enacted  
17 local-option fuel taxes and other dedicated local revenue  
18 sources or adopted the 1-percent infrastructure sales surtax  
19 or the small county surtax, with priority spending dedicated  
20 to transportation improvements; and

21 (h) The extent to which the project incorporates  
22 corridor management techniques, including access management  
23 strategies, right-of-way acquisition or protection measures,  
24 and appropriate zoning and setback controls.

25 (6) A municipality may apply to the county in which  
26 the municipality is located for consideration by the county  
27 for funding under this section of any project or project phase  
28 of a transportation facility which is located on the State  
29 Highway System or which is demonstrated to relieve congestion  
30 on the State Highway System. The county must evaluate all  
31 municipal applications as provided in subsection (3). If the

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1 proposed project is determined by the county to meet the  
 2 criteria in subsection (3), the county shall send the  
 3 application to the department on behalf of the municipality.  
 4 If the proposed project is approved by the department, the  
 5 county may retain project oversight authority and  
 6 responsibility for the project on behalf of the municipality.  
 7 If a municipality's proposed project is rejected by the county  
 8 for funding under this section, or if the county's proposed  
 9 project adversely affects a municipality within the county,  
 10 the municipality may request mediation to resolve any concerns  
 11 of the municipality and the county.

12 Section 32. Subsections (1) and (2) of section 339.08,  
 13 Florida Statutes, are amended to read:

14 339.08 Use of moneys in State Transportation Trust  
 15 Fund.--

16 (1) The department shall expend ~~by rule provide for~~  
 17 ~~the expenditure of the~~ moneys in the State Transportation  
 18 Trust Fund accruing to the department, in accordance with its  
 19 annual budget.

20 (2) ~~These rules must restrict~~ The use of such moneys  
 21 is restricted to the following purposes:

22 (1) To fund the Regional Transportation Grant  
 23 projects selected pursuant to s. 339.143 ~~Transportation~~  
 24 ~~Outreach Program created in s. 339.137.~~

25 Section 33. Section 339.1371, Florida Statutes, is  
 26 amended to read:

27 339.1371 Mobility 2000; ~~Transportation Outreach~~  
 28 ~~Program~~; funding.--

29 (1) Beginning in fiscal year 2000-2001 the  
 30 Department of Transportation shall allocate sufficient funds  
 31 to implement the Mobility 2000 (Building Roads for the 21st

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1 Century) initiative. The department shall develop a plan to  
2 expend these revenues and amend the current tentative work  
3 program for the time period 2000-2001 through 2004-2005 prior  
4 to adoption to include Mobility 2000 projects. In addition,  
5 prior to work program adoption, the department shall submit a  
6 budget amendment pursuant to s. 339.135(7), requesting budget  
7 authority needed to implement the Mobility 2000 initiative.  
8 Funds will be used for corridors that link Florida's economic  
9 regions to seaports, international airports, and markets to  
10 provide connections through major gateways, improved mobility  
11 in major urbanized areas, and access routes for emergency  
12 evacuation to coastal communities based on analysis of current  
13 and projected traffic conditions.

14 (2) Notwithstanding any other provision of law, in  
15 fiscal year 2001-2002 and each year thereafter, the increase  
16 in revenue to the State Transportation Trust Fund derived from  
17 ss. 1, 2, 3, 7, 9, and 10, ch. 2000-257, Laws of Florida,  
18 shall be ~~first~~ used by the Department of Transportation to  
19 fund the Mobility 2000 initiative ~~and any remaining funds~~  
20 ~~shall be used to fund the Transportation Outreach Program~~  
21 ~~created pursuant to s. 339.137.~~ Notwithstanding any other law  
22 to the contrary, the requirements of ss. 206.46(3) and  
23 206.606(2) shall not apply to the Mobility 2000 initiative.

24 Section 34. Subsection (3) of section 215.211, Florida  
25 Statutes, is amended to read:

26 215.211 Service charge; elimination or reduction for  
27 specified proceeds.--

28 (3) Notwithstanding the provisions of s. 215.20(1),  
29 the service charge provided in s. 215.20(1), which is deducted  
30 from the proceeds of the local option fuel tax distributed  
31 under s. 336.025, shall be reduced as follows:

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1           (a) For the period July 1, 2005, through June 30,  
2 2006, the rate of the service charge shall be 3.5 percent.

3           (b) Beginning July 1, 2006, and thereafter, no service  
4 charge shall be deducted from the proceeds of the local option  
5 fuel tax distributed under s. 336.025.

6  
7 An amount equal to the reduction in the service charge ~~The~~  
8 ~~increased revenues derived from this subsection~~ shall be  
9 deposited in the State Transportation Trust Fund and used to  
10 fund the County Incentive Grant Program and the Small County  
11 Outreach Program. Up to 20 percent of such funds shall be used  
12 for the purpose of implementing the Small County Outreach  
13 Program as provided in this act. Notwithstanding any other  
14 laws to the contrary, the requirements of ss. 206.46(3),  
15 206.606(2), 339.135(1)-(5), 339.155, and 339.175 shall not  
16 apply to these funds and programs.

17           Section 35. For fiscal years 2003-2004 and  
18 2004-2005, the department shall allocate a maximum of \$30  
19 million to projects seeking County Incentive Grant Program  
20 grants and Small County Outreach Program grants. Up to 20  
21 percent of such funds shall be used for the purpose of  
22 implementing the Small County Outreach Program. For fiscal  
23 year 2005-2006, the department shall allocate a maximum of \$4  
24 million to projects seeking County Incentive Program grants  
25 and Small County Outreach Program grants. Up to 20 percent of  
26 such funds shall be used for the purpose of implementing the  
27 Small County Outreach Program.

28           Section 36. Section 339.137, Florida Statutes, is  
29 repealed.

30           Section 37. Section 341.8201, Florida Statutes, is  
31 created to read:

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1           341.8201 Short title.--Sections 341.8201-341.843 may  
2 be cited as the "Florida High-Speed Rail Authority Act."

3           Section 38. Section 341.8202, Florida Statutes, is  
4 created to read:

5           341.8202 Legislative findings, policy, purpose, and  
6 intent.--

7           (1) The intent of this act is to implement the purpose  
8 of s. 19, Art. X of the State Constitution, which directs the  
9 Legislature, the Cabinet and the Governor to proceed with the  
10 development, either by the state or an approved private  
11 entity, of a high-speed monorail, fixed guideway, or magnetic  
12 levitation system, capable of speeds in excess of 120 miles  
13 per hour. The development of such a system, which will link  
14 Florida's five largest urban areas as defined in this act,  
15 includes acquisition of right-of-way and the financing of  
16 design and construction with construction beginning on or  
17 before November 1, 2003. Further, this act promotes the  
18 various growth management and environmental protection laws  
19 enacted by the Legislature and encourages and enhances the  
20 establishment of a high-speed rail system. The Legislature  
21 further finds that:

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

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

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1 and growth management goals and objectives.  
2 (c) Development and utilization of a properly  
3 designed, constructed, and financed high-speed rail system and  
4 associated development can act as a catalyst for economic  
5 growth and development, mitigate unduly long and  
6 traffic-congested commutes for day-to-day commuters, create  
7 new employment opportunities, serve as a positive growth  
8 management system for building a better and more  
9 environmentally secure state, and serve a paramount public  
10 purpose by promoting the health, safety, and welfare of the  
11 citizens of the state.  
12 (d) Transportation benefits of a high-speed rail  
13 system include improved travel times and more reliable travel,  
14 which will increase productivity and energy efficiency in the  
15 state.  
16 (2) The Legislature further finds that:  
17 (a) Access to timely and efficient modes of passenger  
18 transportation is necessary for travelers, visitors, and  
19 day-to-day commuters, to the quality of life in the state, and  
20 to the economy of the state.  
21 (b) Technological advances in the state's  
22 transportation system can significantly and positively affect  
23 the ability of the state to attract and provide efficient  
24 services for domestic and international tourists and therefore  
25 increase revenue of the state.  
26 (c) The geography of the state is suitable for the  
27 construction and efficient operation of a high-speed rail  
28 system.  
29 (d) The public use of the high-speed rail system must  
30 be encouraged and assured in order to achieve the public  
31 purpose and objectives set forth in this act. In order to

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

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

30 (f) The powers conferred by this act are for public  
31 uses and purposes as established by s. 19, Art. X of the State



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1 Constitution for which public funds may be expended, and the  
2 necessity in the public interest for the provisions herein  
3 enacted is hereby declared as a matter of legislative  
4 determination to implement the intent of s. 19, Art. X of the  
5 State Constitution.

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

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

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

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

27 Section 39. Section 341.8203, Florida Statutes, is  
28 created to read:

29 341.8203 Definitions.--As used in this act, unless the  
30 context clearly indicates otherwise, the term:

31 (1) "Associated development" means property,

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

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

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

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

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

28 (6) "High-speed rail system" means any high-speed  
29 fixed guideway system for transporting people or goods, which  
30 system is capable of operating at speeds in excess of 120  
31 miles per hour, including, but not limited to, a monorail

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1 system, dual track rail system, suspended rail system,  
2 magnetic levitation system, pneumatic repulsion system, or  
3 other system approved by the authority. The term includes a  
4 corridor and structures essential to the operation of the  
5 line, including the land, structures, improvements,  
6 rights-of-way, easements, rail lines, rail beds, guideway  
7 structures, stations, platforms, switches, yards, parking  
8 facilities, power relays, switching houses, rail stations,  
9 associated development, and any other facilities or equipment  
10 used or useful for the purposes of high-speed rail system  
11 design, construction, operation, maintenance, or the financing  
12 of the high-speed rail system.

13 (7) "Joint development" means the planning, managing,  
14 financing, or constructing of projects adjacent to,  
15 functionally related to, or otherwise related to a high-speed  
16 rail system pursuant to agreements between any person, firm,  
17 corporation, association, organization, agency, or other  
18 entity, public or private.

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

21 (9) "Northwest Florida" means the counties of  
22 Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington,  
23 Jackson, Gadsden, Bay, Calhoun, Liberty, Gulf, Franklin, Leon,  
24 Jefferson, Madison, Wakulla, Taylor, Hamilton, Suwannee,  
25 Columbia, Baker, Union, Lafayette, Gilchrist, Dixie, Bradford,  
26 and Levy.

27 (10) "Rail station," "station," or "high-speed rail  
28 station" means any structure or transportation facility that  
29 is part of a high-speed rail system designed to accommodate  
30 the movement of passengers from one mode of transportation to  
31 another at which passengers board or disembark from

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1 transportation conveyances and transfer from one mode of  
2 transportation to another.

3 (11) "Selected person or entity" means the person or  
4 entity to whom the authority awards a contract under s.  
5 341.834 to establish a high-speed rail system pursuant to this  
6 act.

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

10 (13) "Southwest Florida" means the counties of  
11 Manatee, Hardee, DeSoto, Sarasota, Highlands, Charlotte,  
12 Glades, Lee, Hendry, and Collier.

13 (14) "Urban areas" means Central Florida, Northeast  
14 Florida, Northwest Florida, Southeast Florida, and Southwest  
15 Florida.

16 Section 40. Section 341.821, Florida Statutes, is  
17 amended to read:

18 341.821 Florida High-Speed Rail Authority.--

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

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

25 1. Three members shall be appointed by the Governor,  
26 one of whom must have a background in the area of  
27 environmental concerns, one of whom must have a legislative  
28 background, and one of whom must have a general business  
29 background.

30 2. Three members shall be appointed by the President  
31 of the Senate, one of whom must have a background in civil

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1 engineering, one of whom must have a background in  
2 transportation construction, and one of whom must have a  
3 general business background.

4 3. Three members shall be appointed by the Speaker of  
5 the House of Representatives, one of whom must have a legal  
6 background, one of whom must have a background in financial  
7 matters, and one of whom must have a general business  
8 background.

9 (b) The appointed members shall not be subject to  
10 confirmation by the Senate. The initial term of each member  
11 appointed by the Governor shall be for 4 years. The initial  
12 term of each member appointed by the President of the Senate  
13 shall be for 3 years. The initial term of each member  
14 appointed by the Speaker of the House of Representatives shall  
15 be for 2 years. Succeeding terms for all members shall be for  
16 terms of 4 years. ~~Initial appointments must be made within 30~~  
17 ~~days after the effective date of this act.~~

18 (c) A vacancy occurring during a term shall be filled  
19 by the respective appointing authority in the same manner as  
20 the original appointment and only for the balance of the  
21 unexpired term. An appointment to fill a vacancy shall be made  
22 within 60 days after the occurrence of the vacancy.

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

25 (e) The board shall elect one of its members as chair  
26 of the authority. The chair shall hold office at the will of  
27 the board. Five members of the board shall constitute a  
28 quorum, and the vote of five members shall be necessary for  
29 any action taken by the authority. The authority may meet upon  
30 the constitution of a quorum. No vacancy in the authority  
31 shall impair the right of a quorum of the board to exercise

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1 all rights and perform all duties of the authority.

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

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

14 (4) The authority shall be assigned to the Department  
15 of Transportation for administrative purposes. The authority  
16 shall be a separate budget entity. The Department of  
17 Transportation shall provide administrative support and  
18 service to the authority to the extent requested by the chair  
19 of the authority. The authority shall not be subject to  
20 control, supervision, or direction by the Department of  
21 Transportation in any manner, including, but not limited to,  
22 personnel, purchasing, transactions involving real or personal  
23 property, and budgetary matters.

24 Section 41. Section 341.822, Florida Statutes, is  
25 amended to read:

26 341.822 Powers and duties.--

27 (1) The authority created and established by this act  
28 shall locate, plan, design, finance, construct, maintain, own,  
29 operate, administer, and manage the ~~preliminary engineering~~  
30 ~~and preliminary environmental assessment of the intrastate~~  
31 high-speed rail system in the state, ~~hereinafter referred to~~

1 ~~as "intrastate high-speed rail."~~

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

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

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

12 (5) The authority may employ an executive director,  
13 ~~permanent or temporary,~~ as it may require and shall determine  
14 the qualifications and fix the compensation. The authority may  
15 delegate to one or more of its agents or employees such of its  
16 power as it deems necessary to carry out the purposes of this  
17 act, subject always to the supervision and control of the  
18 authority.

19 Section 42. Section 341.823, Florida Statutes, is  
20 amended to read:

21 341.823 Criteria for assessment and recommendations.--

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

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

29 (b) The initial segments of the system will be  
30 developed and operated between the St. Petersburg area, the  
31 Tampa area, and the Orlando area, with future service to the

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1 Miami area;

2 (c) The authority is to develop a program model that  
3 uses, to the maximum extent feasible, nongovernmental sources  
4 of funding for the design, construction, maintenance, and  
5 operation, and financing of the system;

6 (2) The authority shall establish requirements ~~make~~  
7 ~~recommendations~~ concerning:

8 (a) The format and types of information that must be  
9 included in a financial or business plan for the high-speed  
10 rail system, and the authority may develop that financial or  
11 business plan;

12 (b) The preferred routes between the cities and urban  
13 areas designated in accordance with s. 341.8203 ~~in paragraph~~  
14 ~~(1)(b);~~

15 (c) The preferred locations for the stations in the  
16 cities and urban areas designated in accordance with s.  
17 341.8203 ~~in paragraph (1)(b);~~

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

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

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

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

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



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

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

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

~~9  
10 Whenever applicable and appropriate, the authority will base  
11 estimates of projected costs, expenses, and revenues on  
12 documented expenditures or experience derived from similar  
13 projects.~~

14 Section 43. Section 341.824, Florida Statutes, is  
15 amended to read:

16 341.824 Technical, scientific, or other assistance.--

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

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

28 (3) The Department of Environmental Protection shall,  
29 if requested, provide assistance to local governments and  
30 other permitting agencies in analyzing the environmental  
31 aspects of the high-speed rail system. The Department of

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1 Environmental Protection shall assist the authority and the  
2 contractor in expediting the approval of the necessary  
3 environmental permits for the system.

4 Section 44. Section 341.827, Florida Statutes, is  
5 created to read:

6 341.827 Service areas; segment designation.--

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

10 (2) 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 45. Section 341.828, Florida Statutes, is  
31 created to read:

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1           341.828 Permitting.--  
2           (1) The authority, for the purposes of permitting, may  
3 utilize one or more permitting processes provided for in  
4 statute, including, but not limited to, the metropolitan  
5 planning organization long-range transportation planning  
6 process as defined in s. 339.175 (6) and (7), in conjunction  
7 with the Department of Transportation's work program process  
8 as defined in s. 339.135, or any permitting process now in  
9 effect or that may be in effect at the time of permitting and  
10 will provide the most timely and cost-effective permitting  
11 process.

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

22           (3) For purposes of selecting a route alignment, the  
23 authority may use the project development and environment  
24 study process, including the efficient transportation  
25 decisionmaking system process as adopted by the Department of  
26 Transportation.

27           Section 46. Section 341.829, Florida Statutes, is  
28 created to read:

29           341.829 Conflict prevention, mitigation, and  
30 resolution.--

31           (1) The authority, in conjunction with the Executive

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1 Office of the Governor, the Department of Community Affairs,  
2 and the Department of Environmental Protection, shall develop  
3 and implement, within 180 days after the effective date of  
4 this act, a process to prevent, mitigate, and resolve, to the  
5 maximum extent feasible, any conflicts or potential conflicts  
6 of a high-speed rail system with growth management  
7 requirements and environmental standards.

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

11 (3) The authority must respond to any timely filed  
12 complaint within 60 days after the complaint is filed with the  
13 authority.

14 Section 47. Section 341.830, Florida Statutes, is  
15 created to read:

16 341.830 Procurement.--

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

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

30 Section 48. Section 341.831, Florida Statutes, is  
31 created to read:

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1           341.831 Prequalification.--

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

11           (2) The authority may establish the qualifying  
12 criteria in a request for qualification without adopting the  
13 qualifying criteria as rules.

14           Section 49. Section 341.832, Florida Statutes, is  
15 created to read:

16           341.832 Request for qualifications.--

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

24           (2) The authority may issue a request for  
25 qualifications without adopting a rule.

26           Section 50. Section 341.833, Florida Statutes, is  
27 created to read:

28           341.833 Request for proposals.--

29           (1) The authority is authorized to develop and execute  
30 a request for proposals process to seek a person or entity to  
31 design, build, operate, maintain, and finance a high-speed

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1 rail system. The authority may issue multiple requests for  
2 proposals. The authority shall develop criteria for selection  
3 of a person or entity that shall be included in any request  
4 for proposals.

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

12 Section 51. Section 341.834, Florida Statutes, is  
13 created to read:

14 341.834 Award of contract.--

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

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

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

30 Section 52. Section 341.835, Florida Statutes, is  
31 created to read:

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1           341.835 Acquisition of property; rights-of-way;  
2 disposal of land.--

3           (1) The authority may purchase, lease, exchange, or  
4 otherwise acquire any land, property interests, or buildings  
5 or other improvements, including personal property within such  
6 buildings or on such lands, necessary to secure or utilize  
7 rights-of-way for existing, proposed, or anticipated  
8 high-speed rail system facilities.

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

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

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



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1 specific related or ancillary facilities.

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

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

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

16 Section 53. Section 341.836, Florida Statutes, is  
17 created to read:

18 341.836 Associated development.--

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

29 (2) This act does not prohibit the authority, the  
30 selected person or entity, or a party to a joint venture with  
31 the authority or its selected person or entity from obtaining

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1 approval, pursuant to any other law, for any associated  
2 development that is reasonably related to the high-speed rail  
3 system.

4 Section 54. Section 341.837, Florida Statutes, is  
5 created to read:

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

10 Section 55. Section 341.838, Florida Statutes, is  
11 created to read:

12 341.838 Rates, rents, fees, and charges.--

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

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

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1           Section 56. Section 341.839, Florida Statutes, is  
2 created to read:

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

13           Section 57. Section 341.840, Florida Statutes, is  
14 created to read:

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

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1 political subdivisions in the state.

2 Section 58. Section 341.841, Florida Statutes, is  
3 created to read:

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

14 Section 59. Section 341.842, Florida Statutes, is  
15 created to read:

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

19 Section 60. Subsection (10) of section 288.109,  
20 Florida Statutes, is amended to read:

21 288.109 One-Stop Permitting System.--

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

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1 ss. 403.501-403.519; the Transmission Line Siting Act, ss.  
2 403.52-403.5365; the statewide Multi-purpose Hazardous Waste  
3 Facility Siting Act, ss. 403.78-403.7893; and the Natural Gas  
4 Pipeline Siting Act, ss. 403.9401-403.9425; ~~and the High Speed~~  
5 ~~Rail Transportation Siting Act, ss. 341.3201-341.386.~~

6 Section 61. Subsection (6) of section 334.30, Florida  
7 Statutes, is amended to read:

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

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

20 Section 62. Subsection (9) of section 337.251, Florida  
21 Statutes, is amended to read:

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

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

29 Section 63. Section 341.501, Florida Statutes, is  
30 amended to read:

31 341.501 High-technology transportation systems; joint

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

14 Section 64. Sections 341.3201, 341.321, 341.322,  
 15 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331,  
 16 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337,  
 17 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365,  
 18 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465,  
 19 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364,  
 20 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375,  
 21 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are  
 22 repealed.

23  
24  
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 On page 3, line 29,  
28 remove:

29  
30 after the semicolon, insert:

31 creating s. 339.141, F.S.; creating the

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1 Regional Transportation Act; providing program  
2 purpose; creating the Regional Transportation  
3 Advisory Council; providing for membership,  
4 meetings, and staff support of the council;  
5 providing duties; requiring recommendation of  
6 regional transportation projects; providing  
7 criteria and procedures for approval of  
8 Regional Transportation Act grant projects;  
9 providing for approval by the department  
10 secretary, who then submits the list to the  
11 Legislature; providing for funding; providing  
12 for allocation of funds from the State  
13 Transportation Trust Fund; limiting application  
14 of certain requirements; creating s. 339.142,  
15 F.S.; providing for designation as a regional  
16 transportation corridor; providing a  
17 definition; designating certain infrastructure  
18 as such corridors; authorizing the council to  
19 designate such corridors; creating s. 339.143,  
20 F.S.; creating Regional Transportation Act  
21 grants; providing legislative findings and  
22 purpose; providing criteria for program  
23 eligibility; providing for recommendation by  
24 the council and approval by the Legislature;  
25 providing for funding; amending s. 339.2817,  
26 F.S.; adding new criteria to the County  
27 Incentive Grant Program; amending s. 339.08,  
28 F.S.; revising provisions relating to use of  
29 moneys in the State Transportation Trust Fund;  
30 correcting references; amending s. 339.1371,  
31 F.S.; deleting provisions for funding the

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1           Transportation Outreach Program; amending s.  
2           215.211, F.S.; clarifying intent to use certain  
3           local-option fuel tax revenues; specifying  
4           funding for the County Incentive Grant Program  
5           and the Small County Outreach Program;  
6           repealing s. 339.137, F.S., relating to the  
7           Transportation Outreach Program; providing  
8           funds for certain county incentive programs;  
9           creating the "Florida High-Speed Rail Authority  
10          Act"; creating s. 341.8201, F.S.; providing a  
11          short title; creating s. 341.8202, F.S.;  
12          providing legislative findings, policy,  
13          purpose, and intent with respect to the  
14          development, design, financing, construction,  
15          and operation of a high-speed rail system in  
16          the state; creating s. 341.8203, F.S.;  
17          providing definitions; amending s. 341.821,  
18          F.S., relating to the creation of the Florida  
19          High-Speed Rail Authority; removing obsolete  
20          provisions; amending s. 341.822, F.S.; revising  
21          and providing additional powers and duties of  
22          the authority; amending s. 341.823, F.S.;  
23          revising the criteria for assessment and  
24          recommendations with respect to the  
25          establishment of the high-speed rail system;  
26          requiring the authority to establish specified  
27          requirements; requiring the authority to  
28          develop a specified plan, study, and estimates;  
29          amending s. 341.824, F.S.; specifying types of  
30          technical, scientific, or other assistance to  
31          be provided by the Department of Community



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

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1 criteria; creating s. 341.832, F.S.;

2 authorizing the authority to develop and

3 execute a request for qualifications process;

4 creating s. 341.833, F.S.; authorizing the

5 authority to develop and execute a request for

6 proposals process to seek a person or entity to

7 design, build, operate, maintain, and finance a

8 high-speed rail system; creating s. 341.834,

9 F.S.; providing for award of a conditional

10 contract; providing contract requirements;

11 prohibiting transfer of system property without

12 written approval; creating s. 341.835, F.S.;

13 authorizing the authority to purchase, lease,

14 exchange, or acquire land, property, or

15 buildings necessary to secure or utilize

16 rights-of-way for high-speed rail system

17 facilities; providing that the authority is not

18 subject to specified liability; authorizing the

19 authority and the Department of Environmental

20 Protection to enter into certain interagency

21 agreements; providing for the disposal of

22 interest in property; authorizing agents and

23 employees of the authority to enter upon

24 certain property; authorizing the authority to

25 accept donations of real property; creating s.

26 341.836, F.S.; authorizing the authority to

27 undertake the development of associated

28 developments; providing requirements of

29 associated developments; creating s. 341.837,

30 F.S.; providing for payment of expenses

31 incurred in carrying out the act; creating s.

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1 341.838, F.S.; authorizing the authority to  
2 fix, revise, charge, collect, and adjust rates,  
3 rents, fees, charges, and revenues, and to  
4 enter into contracts; providing for annual  
5 review by the authority of rates, rents, fees,  
6 and charges; providing for uses of revenues;  
7 creating s. 341.839, F.S.; providing that the  
8 act is supplemental and additional to powers  
9 conferred by other laws; exempting powers of  
10 the authority from specified supervision,  
11 approval, or consent; creating s. 341.840,  
12 F.S.; providing tax exemptions for property  
13 acquired or used by the authority or specified  
14 income; creating s. 341.841, F.S.; requiring  
15 the authority to prepare and submit a report;  
16 providing for an annual audit; creating s.  
17 341.842, F.S.; providing construction of the  
18 act; amending s. 288.109, F.S.; removing a  
19 cross reference; amending s. 334.30, F.S.;  
20 removing a cross reference; amending s.  
21 337.251, F.S.; removing a cross reference;  
22 amending s. 341.501, F.S.; providing that  
23 specified actions do not apply to the Florida  
24 High-Speed Rail Authority Act; repealing s.  
25 341.3201, F.S., relating to the short title for  
26 ss. 341.3201-341.386, F.S., the "Florida  
27 High-Speed Rail Transportation Act"; repealing  
28 s. 341.321, F.S., relating to legislative  
29 findings, policy, purpose, and intent with  
30 respect to the development of a high-speed rail  
31 transportation system connecting the major

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

1 urban areas of the state; repealing s. 341.322,  
2 F.S., relating to definitions of terms;  
3 repealing s. 341.325, F.S., relating to special  
4 powers and duties of the Department of  
5 Transportation; repealing s. 341.327, F.S.,  
6 which provides that the Florida High-Speed Rail  
7 Transportation Act is the sole and exclusive  
8 determination of need for any high-speed rail  
9 transportation system established under the  
10 act, thereby preempting specified  
11 determinations of need; repealing s. 341.329,  
12 F.S., relating to the issuance of bonds to  
13 finance a high-speed rail transportation  
14 system; repealing s. 341.331, F.S., relating to  
15 designation of the areas of the state to be  
16 served by the high-speed rail transportation  
17 system and designation of termini; repealing s.  
18 341.332, F.S., relating to the award of  
19 franchises by the Department of Transportation  
20 to establish a high-speed rail transportation  
21 system; repealing s. 341.3331, F.S., relating  
22 to request for proposals; repealing s.  
23 341.3332, F.S., relating to notice of issuance  
24 of request for proposals; repealing s.  
25 341.3333, F.S., relating to requirements with  
26 respect to an application for franchise, and  
27 confidentiality of the application and portions  
28 of the application relating to trade secrets;  
29 repealing s. 341.3334, F.S., relating to the  
30 departmental review process of application for  
31 franchise; repealing s. 341.3335, F.S.,

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1 relating to interagency coordination of  
2 franchise application review; repealing s.  
3 341.3336, F.S., relating to public meetings on  
4 franchise applications; repealing s. 341.3337,  
5 F.S., relating to determination and award of  
6 franchise; repealing s. 341.3338, F.S.,  
7 relating to effect of franchise; repealing s.  
8 341.3339, F.S., relating to postfranchise  
9 agreements; repealing s. 341.334, F.S.,  
10 relating to the powers and duties of the  
11 Department of Transportation with respect to  
12 the act; repealing s. 341.335, F.S., relating  
13 to the powers and duties of the Florida Land  
14 and Water Adjudicatory Commission sitting as  
15 the board; repealing s. 341.336, F.S., relating  
16 to the powers and duties of the Department of  
17 Environmental Protection, the Department of  
18 Community Affairs, and other affected agencies;  
19 repealing s. 341.3365, F.S., relating to  
20 certification procedures; repealing s. 341.342,  
21 F.S., relating to agreements concerning  
22 contents of certification application and  
23 supporting documentation; repealing s. 341.343,  
24 F.S., relating to review of certification  
25 applications; repealing s. 341.344, F.S.,  
26 relating to the establishment, composition,  
27 organization, and duties of the Citizens'  
28 Planning and Environmental Advisory Committee;  
29 repealing s. 341.345, F.S., relating to  
30 alternate corridors or transit station  
31 locations; repealing s. 341.346, F.S., relating

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1 to the powers and duties of an administrative  
2 law judge appointed to conduct hearings under  
3 the act; repealing s. 341.3465, F.S., relating  
4 to alteration of time limitations specified by  
5 the act; repealing s. 341.347, F.S., relating  
6 to required combined public meetings and land  
7 use and zoning hearings to be conducted by  
8 local governments; repealing s. 341.348, F.S.,  
9 relating to reports and studies required of  
10 various agencies by the act; repealing s.  
11 341.351, F.S., relating to publication and  
12 contents of notice of certification application  
13 and proceedings; repealing s. 341.352, F.S.,  
14 relating to certification hearings; repealing  
15 s. 341.353, F.S., relating to final disposition  
16 of certification applications; repealing s.  
17 341.363, F.S., relating to the effect of  
18 certification; repealing s. 341.364, F.S.,  
19 relating to a franchisee's right to appeal to  
20 the Florida Land and Water Adjudicatory  
21 Commission under specified circumstances;  
22 repealing s. 341.365, F.S., relating to  
23 associated development; repealing s. 341.366,  
24 F.S., relating to recording of notice of  
25 certified corridor route; repealing s. 341.368,  
26 F.S., relating to modification of certification  
27 or franchise; repealing s. 341.369, F.S.,  
28 relating to fees imposed by the department and  
29 the disposition of such fees; repealing s.  
30 341.371, F.S., relating to revocation or  
31 suspension of franchise or certification;

1           repealing s. 341.372, F.S., relating to  
2           imposition by the department of specified  
3           administrative fines in lieu of revocation or  
4           suspension of franchise; repealing s. 341.375,  
5           F.S., relating to the required participation by  
6           women, minorities, and economically  
7           disadvantaged individuals in all phases of the  
8           design, construction, maintenance, and  
9           operation of a high-speed rail transportation  
10          system developed under the act, and required  
11          plans for compliance by franchisees; repealing  
12          s. 341.381, F.S., relating to applicability of  
13          the act; repealing s. 341.382, F.S., relating  
14          to laws and regulations superseded by the act;  
15          repealing s. 341.383, F.S., relating to the  
16          authority of local governments to assess  
17          specified fees; repealing s. 341.386, F.S.,  
18          relating to the admissibility of the award of a  
19          franchise and of a certification under the act  
20          in eminent domain proceedings;

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