

Bill No. CS for CS for CS for SB 502

Amendment No. Barcode 110410

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Laurent moved the following amendment:

Senate Amendment (with title amendment)

On page 37, between lines 16 and 17,

insert:

Section 28. Section 341.8201, Florida Statutes, is created to read:

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

Section 29. Section 341.8202, Florida Statutes, is created to read:

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

(1) The intent of this act is to implement the purpose of s. 19, Art. X of the State Constitution, which directs the Legislature, the Cabinet and the Governor to proceed with the development, either by the state or an approved private entity, of a high-speed monorail, fixed guideway, or magnetic levitation system, capable of speeds in excess of 120 miles per hour. The development of such a system, which will link

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

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

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

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

30 (d) Transportation benefits of a high-speed rail
31 system include improved travel times and more reliable travel,

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1 which will increase productivity and energy efficiency in the
2 state.

3 (2) The Legislature further finds that:

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

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

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

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

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

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

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

29 (h) The provisions contained in this act are a
30 declaration of legislative intent that the state develop a
31 high-speed rail system to help solve transportation problems

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1 and eliminate their negative effect on the citizens of this
2 state, and therefore serves a public purpose.

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

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

14 Section 30. Section 341.8203, Florida Statutes, is
15 created to read:

16 341.8203 Definitions.--As used in this act, unless the
17 context clearly indicates otherwise, the term:

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

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

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

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

10 (5) "DBOM & F contract" means the document and all
11 concomitant rights approved by the authority providing the
12 selected person or entity the exclusive right to design,
13 build, operate, maintain, and finance a high-speed rail
14 system.

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

31 (7) "Joint development" means the planning, managing,

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1 financing, or constructing of projects adjacent to,
2 functionally related to, or otherwise related to a high-speed
3 rail system pursuant to agreements between any person, firm,
4 corporation, association, organization, agency, or other
5 entity, public or private.

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

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

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

21 (11) "Selected person or entity" means the person or
22 entity to whom the authority awards a contract under s.
23 341.834 to establish a high-speed rail system pursuant to this
24 act.

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

28 (13) "Southwest Florida" means the counties of
29 Manatee, Hardee, DeSoto, Sarasota, Highlands, Charlotte,
30 Glades, Lee, Hendry, and Collier.

31 (14) "Urban areas" means Central Florida, Northeast

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1 Florida, Northwest Florida, Southeast Florida, and Southwest
2 Florida.

3 Section 31. Section 341.821, Florida Statutes, is
4 amended to read:

5 341.821 Florida High-Speed Rail Authority.--

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

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

12 1. Three members shall be appointed by the Governor,
13 one of whom must have a background in the area of
14 environmental concerns, one of whom must have a legislative
15 background, and one of whom must have a general business
16 background.

17 2. Three members shall be appointed by the President
18 of the Senate, one of whom must have a background in civil
19 engineering, one of whom must have a background in
20 transportation construction, and one of whom must have a
21 general business background.

22 3. Three members shall be appointed by the Speaker of
23 the House of Representatives, one of whom must have a legal
24 background, one of whom must have a background in financial
25 matters, and one of whom must have a general business
26 background.

27 (b) The appointed members shall not be subject to
28 confirmation by the Senate. The initial term of each member
29 appointed by the Governor shall be for 4 years. The initial
30 term of each member appointed by the President of the Senate
31 shall be for 3 years. The initial term of each member

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1 appointed by the Speaker of the House of Representatives shall
2 be for 2 years. Succeeding terms for all members shall be for
3 terms of 4 years. ~~Initial appointments must be made within 30~~
4 ~~days after the effective date of this act.~~

5 (c) A vacancy occurring during a term shall be filled
6 by the respective appointing authority in the same manner as
7 the original appointment and only for the balance of the
8 unexpired term. An appointment to fill a vacancy shall be made
9 within 60 days after the occurrence of the vacancy.

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

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

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

23 (3) Notwithstanding any other law to the contrary, it
24 shall not be or constitute a conflict of interest for a person
25 having a background specified in this section to serve as a
26 member of the authority. However, in each official decision to
27 which this act is applicable, such member's firm or related
28 entity may not have a financial or economic interest nor shall
29 the authority contract with or conduct any business with a
30 member or such member's firm or directly related business
31 entity.

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

11 Section 32. Section 341.822, Florida Statutes, is
12 amended to read:

13 341.822 Powers and duties.--

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

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

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

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

30 (5) The authority may employ an executive director,
31 ~~permanent or temporary,~~ as it may require and shall determine

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1 the qualifications and fix the compensation. The authority may
2 delegate to one or more of its agents or employees such of its
3 power as it deems necessary to carry out the purposes of this
4 act, subject always to the supervision and control of the
5 authority.

6 Section 33. Section 341.823, Florida Statutes, is
7 amended to read:

8 341.823 Criteria for assessment and recommendations.--

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

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

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

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

24 (2) The authority shall establish requirements ~~make~~
25 ~~recommendations~~ concerning:

26 (a) The format and types of information that must be
27 included in a financial or business plan for the high-speed
28 rail system, and the authority may develop that financial or
29 business plan;

30 (b) The preferred routes between the cities and urban
31 areas designated in accordance with s. 341.8203 ~~in paragraph~~

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1 ~~(1)(b);~~

2 (c) The preferred locations for the stations in the
3 cities and urban areas designated in accordance with s.
4 341.8203 in paragraph (1)(b);

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

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

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

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

17 ~~(3) When preparing the operating plan, the authority~~
18 ~~shall include:~~

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

21 ~~(b) The proposed fare structure for passenger and~~
22 ~~freight service;~~

23 ~~(c) Proposed trip times, system capacity, passenger~~
24 ~~accommodations, and amenities;~~

25 ~~(d) Methods to ensure compliance with applicable~~
26 ~~environmental standards and regulations;~~

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

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

30 ~~(g) Consideration of nonfare revenues that may be~~
31 ~~derived from;~~

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- 1 ~~1. The sale of development rights at the stations;~~
- 2 ~~2. License, franchise, and lease fees;~~
- 3 ~~3. Sale of advertising space on the trains or in the~~
- 4 ~~stations; and~~
- 5 ~~4. Any other potential sources deemed appropriate.~~
- 6 ~~(h) An estimate of the total cost of the entire~~
- 7 ~~system, including, but not limited to, the costs to:~~
- 8 ~~1. Design and build the stations and monorail, fixed~~
- 9 ~~guideway, or magnetic levitation system;~~
- 10 ~~2. Acquire any necessary rights-of-way;~~
- 11 ~~3. Purchase or lease rolling stock and other equipment~~
- 12 ~~necessary to build, operate, and maintain the system.~~
- 13 ~~(i) An estimate of the annual operating and~~
- 14 ~~maintenance costs for the system and all other associated~~
- 15 ~~expenses.~~
- 16 ~~(j) An estimate of the value of assets the state or~~
- 17 ~~its political subdivisions may provide as in-kind~~
- 18 ~~contributions for the system, including rights-of-way,~~
- 19 ~~engineering studies performed for previous high-speed rail~~
- 20 ~~initiatives, land for rail stations and necessary maintenance~~
- 21 ~~facilities, and any expenses that may be incurred by the state~~
- 22 ~~or its political subdivisions to accommodate the installation~~
- 23 ~~of the system.~~
- 24 ~~(k) An estimate of the funding required per year from~~
- 25 ~~state funds for the next 30 years for operating the preferred~~
- 26 ~~routes between the cities designated in paragraph (1)(b).~~
- 27
- 28 ~~Whenever applicable and appropriate, the authority will base~~
- 29 ~~estimates of projected costs, expenses, and revenues on~~
- 30 ~~documented expenditures or experience derived from similar~~
- 31 ~~projects.~~

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1 Section 34. Section 341.824, Florida Statutes, is
2 amended to read:

3 341.824 Technical, scientific, or other assistance.--

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

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

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

22 Section 35. Section 341.827, Florida Statutes, is
23 created to read:

24 341.827 Service areas; segment designation.--

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

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

31 (a) The initial segments of the system shall be

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1 developed and operated between the St. Petersburg area, the
2 Tampa area, the Lakeland/Winter Haven area, and the Orlando
3 area, with future service to the Miami area.

4 (b) Construction of subsequent segments of the
5 high-speed rail system shall connect the metropolitan areas of
6 Port Canaveral/Cocoa Beach, Ft. Pierce, West Palm Beach, Ft.
7 Lauderdale, Daytona Beach, St. Augustine, Jacksonville, Ft.
8 Myers/Naples, Sarasota/Bradenton, Gainesville/Ocala,
9 Tallahassee, and Pensacola.

10 (c) Selection of segments of the high-speed rail
11 system to be constructed subsequent to the initial segments of
12 the system shall be prioritized by the authority, giving
13 consideration to the demand for service, financial
14 participation by local governments, financial participation by
15 the private sector, and the available financial resources of
16 the authority.

17 Section 36. Section 341.828, Florida Statutes, is
18 created to read:

19 341.828 Permitting.--

20 (1) The authority, for the purposes of permitting, may
21 utilize one or more permitting processes provided for in
22 statute, including, but not limited to, the metropolitan
23 planning organization long-range transportation planning
24 process as defined in s. 339.175 (6) and (7), in conjunction
25 with the Department of Transportation's work program process
26 as defined in s. 339.135, or any permitting process now in
27 effect or that may be in effect at the time of permitting and
28 will provide the most timely and cost-effective permitting
29 process.

30 (2) The authority shall work in cooperation with
31 metropolitan planning organizations in areas where the

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1 high-speed rail system will be located. The metropolitan
2 planning organizations shall cooperate with the authority and
3 include the high-speed rail system alignment within their
4 adopted long-range transportation plans and transportation
5 improvement programs for the purposes of providing public
6 information, consistency with the plans, and receipt of
7 federal and state funds by the authority to support the
8 high-speed rail system.

9 (3) For purposes of selecting a route alignment, the
10 authority may use the project development and environment
11 study process, including the efficient transportation
12 decisionmaking system process as adopted by the Department of
13 Transportation.

14 Section 37. Section 341.829, Florida Statutes, is
15 created to read:

16 341.829 Conflict prevention, mitigation, and
17 resolution.--

18 (1) The authority, in conjunction with the Executive
19 Office of the Governor, the Department of Community Affairs,
20 and the Department of Environmental Protection, shall develop
21 and implement, within 180 days after the effective date of
22 this act, a process to prevent, mitigate, and resolve, to the
23 maximum extent feasible, any conflicts or potential conflicts
24 of a high-speed rail system with growth management
25 requirements and environmental standards.

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

29 (3) The authority must respond to any timely filed
30 complaint within 60 days after the complaint is filed with the
31 authority.

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1 Section 38. Section 341.830, Florida Statutes, is
2 created to read:

3 341.830 Procurement.--

4 (1) The authority may employ procurement methods under
5 chapters 255, 287, and 337 and under any rule adopted under
6 such chapters. To enhance the effective and efficient
7 operation of the authority, and to enhance the ability of the
8 authority to use best business practices, the authority may,
9 pursuant to ss. 120.536(1) and 120.54, adopt rules for and
10 employ procurement methods available to the private sector.

11 (2) The authority is authorized to procure commodities
12 and the services of a qualified person or entity to design,
13 build, finance, operate, maintain, and implement a high-speed
14 rail system, including the use of a DBOM or DBOM & F method
15 using a request for proposal, a request for qualifications, or
16 an invitation to negotiate.

17 Section 39. Section 341.831, Florida Statutes, is
18 created to read:

19 341.831 Prequalification.--

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

29 (2) The authority may establish the qualifying
30 criteria in a request for qualification without adopting the
31 qualifying criteria as rules.

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1 Section 40. Section 341.832, Florida Statutes, is
2 created to read:

3 341.832 Request for qualifications.--

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

11 (2) The authority may issue a request for
12 qualifications without adopting a rule.

13 Section 41. Section 341.833, Florida Statutes, is
14 created to read:

15 341.833 Request for proposals.--

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

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

30 Section 42. Section 341.834, Florida Statutes, is
31 created to read:

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1 341.834 Award of contract.--

2 (1) The authority may award a contract subject to such
3 terms and conditions, including, but not limited to,
4 compliance with any applicable permitting requirements, and
5 any other terms and conditions the authority considers
6 appropriate.

7 (2) The contract shall authorize the contractor to
8 provide service between stations as established by the
9 contract. The contractor shall coordinate its facilities and
10 services with passenger rail providers, commuter rail
11 authorities, and public transit providers to provide access to
12 and from the high-speed rail system.

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

17 Section 43. Section 341.835, Florida Statutes, is
18 created to read:

19 341.835 Acquisition of property; rights-of-way;
20 disposal of land.--

21 (1) The authority may purchase, lease, exchange, or
22 otherwise acquire any land, property interests, or buildings
23 or other improvements, including personal property within such
24 buildings or on such lands, necessary to secure or utilize
25 rights-of-way for existing, proposed, or anticipated
26 high-speed rail system facilities.

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

30 (3) When the authority acquires property for a
31 high-speed rail system, or any related or ancillary

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1 facilities, by purchase or donation, it is not subject to any
2 liability imposed by chapter 376 or chapter 403 for
3 preexisting soil or groundwater contamination due solely to
4 its ownership. This section does not affect the rights or
5 liabilities of any past or future owners of the acquired
6 property, nor does it affect the liability of any governmental
7 entity for the results of its actions which create or
8 exacerbate a pollution source. The authority and the
9 Department of Environmental Protection may enter into
10 interagency agreements for the performance, funding, and
11 reimbursement of the investigative and remedial acts necessary
12 for property acquired by the authority.

13 (4) In acquiring property or property rights for any
14 high-speed rail system or related or ancillary facilities, the
15 authority may acquire an entire lot, block, or tract of land
16 if the interests of the public will be best served by such
17 acquisition, even though the entire lot, block, or tract is
18 not immediately needed for the right-of-way proper or for the
19 specific related or ancillary facilities.

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

23 (6) The authority and its employees and agents shall
24 have the right to enter upon properties which may be
25 determined to be necessary for the construction,
26 reconstruction, relocation, maintenance, and operation of a
27 proposed high-speed rail system and associated development and
28 related or ancillary facilities as described in subsection (1)
29 for the purposes of surveying and soil and environmental
30 testing.

31 (7) The authority is authorized to accept donations of

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1 real property from public or private entities for the purposes
2 of implementing a high-speed rail system.

3 Section 44. Section 341.836, Florida Statutes, is
4 created to read:

5 341.836 Associated development.--

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

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

22 Section 45. Section 341.837, Florida Statutes, is
23 created to read:

24 341.837 Payment of expenses.--All expenses incurred in
25 carrying out the provisions of this act shall be payable
26 solely from funds provided under the authority of this act, or
27 from other legally available sources.

28 Section 46. Section 341.838, Florida Statutes, is
29 created to read:

30 341.838 Rates, rents, fees, and charges.--

31 (1) The authority is authorized to fix, revise,

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

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

19 Section 47. Section 341.839, Florida Statutes, is
20 created to read:

21 341.839 Alternate means.--The foregoing sections of
22 this act shall be deemed to provide an additional and
23 alternative method for accomplishing the purposes authorized
24 therein, and shall be regarded as supplemental and additional
25 to powers conferred by other laws. Except as otherwise
26 expressly provided in this act, none of the powers granted to
27 the authority under the provisions of this act shall be
28 subject to the supervision or require the approval or consent
29 of any municipality or political subdivision or any
30 commission, board, body, bureau, or official.

31 Section 48. Section 341.840, Florida Statutes, is

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1 created to read:

2 341.840 Tax exemption.--The exercise of the powers
3 granted by this act will be in all respects for the benefit of
4 the people of this state, for the increase of their commerce,
5 welfare, and prosperity, and for the improvement of their
6 health and living conditions, and as the design, building,
7 operation, maintenance, and financing of a system by the
8 authority or its agent or the owner or lessee thereof, as
9 herein authorized, constitutes the performance of an essential
10 public function, neither the authority, its agent, nor the
11 owner of such system shall be required to pay any taxes or
12 assessments upon or in respect to the system or any property
13 acquired or used by the authority, its agent, or such owner
14 under the provisions of this act or upon the income therefrom,
15 any security therefor, their transfer, and the income
16 therefrom, including any profit made on the sale thereof,
17 shall at all times be free from taxation of every kind by the
18 state, the counties, and the municipalities and other
19 political subdivisions in the state.

20 Section 49. Section 341.841, Florida Statutes, is
21 created to read:

22 341.841 Report; audit.--The authority shall prepare an
23 annual report of its actions, findings, and recommendations
24 and submit the report to the Governor, the President of the
25 Senate, and the Speaker of the House of Representatives on or
26 before January 1. The authority shall provide for an annual
27 financial audit, as defined in s. 11.45, of its accounts and
28 records conducted by an independent certified public
29 accountant. The audit report shall include a management letter
30 as defined in s. 11.45. The cost of the audit shall be paid
31 from funds available to the authority pursuant to this act.

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1 Section 50. Section 341.842, Florida Statutes, is
2 created to read:

3 341.842 Liberal construction.--This act, being
4 necessary for the welfare of the state and its inhabitants,
5 shall be liberally construed to effect the purposes hereof.

6 Section 51. Subsection (10) of section 288.109,
7 Florida Statutes, is amended to read:

8 288.109 One-Stop Permitting System.--

9 (10) Notwithstanding any other provision of law or
10 administrative rule to the contrary, the fee imposed by a
11 state agency or water management district for issuing a
12 development permit shall be waived for a 6-month period
13 beginning on the date the state agency or water management
14 district begins accepting development permit applications over
15 the Internet and the applicant submits the development permit
16 to the agency or district using the One-Stop Permitting
17 System. The 6-month fee waiver shall not apply to development
18 permit fees assessed by the Electrical Power Plant Siting Act,
19 ss. 403.501-403.519; the Transmission Line Siting Act, ss.
20 403.52-403.5365; the statewide Multi-purpose Hazardous Waste
21 Facility Siting Act, ss. 403.78-403.7893; and the Natural Gas
22 Pipeline Siting Act, ss. 403.9401-403.9425; ~~and the High Speed~~
23 ~~Rail Transportation Siting Act, ss. 341.3201-341.386.~~

24 Section 52. Subsection (6) of section 334.30, Florida
25 Statutes, is amended to read:

26 334.30 Private transportation facilities.--The
27 Legislature hereby finds and declares that there is a public
28 need for rapid construction of safe and efficient
29 transportation facilities for the purpose of travel within the
30 state, and that it is in the public's interest to provide for
31 the construction of additional safe, convenient, and

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1 economical transportation facilities.

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

7 Section 53. Subsection (9) of section 337.251, Florida
8 Statutes, is amended to read:

9 337.251 Lease of property for joint public-private
10 development and areas above or below department property.--

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

16 Section 54. Section 341.501, Florida Statutes, is
17 amended to read:

18 341.501 High-technology transportation systems; joint
19 project agreement or assistance.--Notwithstanding any other
20 provision of law, the Department of Transportation may enter
21 into a joint project agreement with, or otherwise assist,
22 private or public entities, or consortia thereof, to
23 facilitate the research, development, and demonstration of
24 high-technology transportation systems, including, but not
25 limited to, systems using magnetic levitation technology. ~~The~~
26 ~~provisions of the Florida High-Speed Rail Transportation Act,~~
27 ~~ss. 341.3201-341.386, do not apply to actions taken under this~~
28 ~~section, and~~ The department may, subject to s. 339.135,
29 provide funds to match any available federal aid for
30 effectuating the research, development, and demonstration of
31 high-technology transportation systems.

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1 Section 55. Sections 341.3201, 341.321, 341.322,
2 341.325, 341.327, 341.329, 341.331, 341.332, 341.3331,
3 341.3332, 341.3333, 341.3334, 341.3335, 341.3336, 341.3337,
4 341.3338, 341.3339, 341.334, 341.335, 341.336, 341.3365,
5 341.342, 341.343, 341.344, 341.345, 341.346, 341.3465,
6 341.347, 341.348, 341.351, 341.352, 341.353, 341.363, 341.364,
7 341.365, 341.366, 341.368, 341.369, 341.371, 341.372, 341.375,
8 341.381, 341.382, 341.383, and 341.386, Florida Statutes, are
9 repealed.

10

11 (Redesignate subsequent sections.)

12

13

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 2, line 28, after the semicolon

17

18 insert:

19 creating the "Florida High-Speed Rail Authority
20 Act"; creating s. 341.8201, F.S.; providing a
21 short title; creating s. 341.8202, F.S.;
22 providing legislative findings, policy,
23 purpose, and intent with respect to the
24 development, design, financing, construction,
25 and operation of a high-speed rail system in
26 the state; creating s. 341.8203, F.S.;
27 providing definitions; amending s. 341.821,
28 F.S., relating to the creation of the Florida
29 High-Speed Rail Authority; removing obsolete
30 provisions; amending s. 341.822, F.S.; revising
31 and providing additional powers and duties of

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1 the authority; amending s. 341.823, F.S.;

2 revising the criteria for assessment and

3 recommendations with respect to the

4 establishment of the high-speed rail system;

5 requiring the authority to establish specified

6 requirements; requiring the authority to

7 develop a specified plan, study, and estimates;

8 amending s. 341.824, F.S.; specifying types of

9 technical, scientific, or other assistance to

10 be provided by the Department of Community

11 Affairs and the Department of Environmental

12 Protection; creating s. 341.827, F.S.;

13 providing for determination of service areas

14 and the order of system segment construction;

15 creating s. 341.828, F.S.; authorizing the

16 authority to utilize existing permitting

17 processes; requiring cooperation between the

18 authority and metropolitan planning

19 organizations; creating s. 341.829, F.S.;

20 requiring the authority, in conjunction with

21 the Executive Office of the Governor, the

22 Department of Community Affairs, and the

23 Department of Environmental Protection, to

24 develop and implement a process to mitigate and

25 resolve conflicts between the system and growth

26 management requirements and environmental

27 standards; providing time limits for the filing

28 of and response to specified complaints;

29 creating s. 341.830, F.S.; authorizing the

30 authority to employ specified procurement

31 methods; providing for the adoption of rules;

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1 authorizing the authority to procure
2 commodities and services for the designing,
3 building, financing, maintenance, operation,
4 and implementation of a high-speed rail system;
5 creating s. 341.831, F.S.; authorizing the
6 authority to prequalify interested persons or
7 entities prior to seeking proposals for the
8 design, construction, operation, maintenance,
9 and financing of the high-speed rail system;
10 providing for the establishment of qualifying
11 criteria; creating s. 341.832, F.S. ;
12 authorizing the authority to develop and
13 execute a request for qualifications process;
14 creating s. 341.833, F.S.; authorizing the
15 authority to develop and execute a request for
16 proposals process to seek a person or entity to
17 design, build, operate, maintain, and finance a
18 high-speed rail system; creating s. 341.834,
19 F.S.; providing for award of a conditional
20 contract; providing contract requirements;
21 prohibiting transfer of system property without
22 written approval; creating s. 341.835, F.S. ;
23 authorizing the authority to purchase, lease,
24 exchange, or acquire land, property, or
25 buildings necessary to secure or utilize
26 rights-of-way for high-speed rail system
27 facilities; providing that the authority is not
28 subject to specified liability; authorizing the
29 authority and the Department of Environmental
30 Protection to enter into certain interagency
31 agreements; providing for the disposal of

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1 interest in property; authorizing agents and
2 employees of the authority to enter upon
3 certain property; authorizing the authority to
4 accept donations of real property; creating s.
5 341.836, F.S.; authorizing the authority to
6 undertake the development of associated
7 developments; providing requirements of
8 associated developments; creating s. 341.837,
9 F.S.; providing for payment of expenses
10 incurred in carrying out the act; creating s.
11 341.838, F.S.; authorizing the authority to
12 fix, revise, charge, collect, and adjust rates,
13 rents, fees, charges, and revenues, and to
14 enter into contracts; providing for annual
15 review by the authority of rates, rents, fees,
16 and charges; providing for uses of revenues;
17 creating s. 341.839, F.S.; providing that the
18 act is supplemental and additional to powers
19 conferred by other laws; exempting powers of
20 the authority from specified supervision,
21 approval, or consent; creating s. 341.840,
22 F.S.; providing tax exemptions for property
23 acquired or used by the authority or specified
24 income; creating s. 341.841, F.S.; requiring
25 the authority to prepare and submit a report;
26 providing for an annual audit; creating s.
27 341.842, F.S.; providing construction of the
28 act; amending s. 288.109, F.S.; removing a
29 cross reference; amending s. 334.30, F.S.;
30 removing a cross reference; amending s.
31 337.251, F.S.; removing a cross reference;

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1 amending s. 341.501, F.S.; providing that
2 specified actions do not apply to the Florida
3 High-Speed Rail Authority Act; 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

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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

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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;

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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;
31