

Bill No. CS for CS for CS for SB 502

Amendment No. Barcode 770216

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Sebesta moved the following **substitute for amendment**
(110410):

Senate Amendment (with title amendment)

On page 37, between lines 16 and 17,

insert:

Section 28. Section 341.822, Florida Statutes, is amended to read:

341.822 Powers and duties.--

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

(2) The authority may exercise all powers granted to corporations under the Florida Business Corporation Act,

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1 chapter 607, except the authority may not incur debt.

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

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

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

15 (6) The authority may exercise all powers necessary,
16 appurtenant, convenient, or incidental to carrying out the
17 purposes enumerated in subsection (1), including, but not
18 limited to, the rights and powers to:

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

21 (b) Accept funds, donations, or contributions of
22 lands, buildings, or other real or personal property from
23 other governmental sources, and accept private donations.

24 (c) Purchase, by directly contracting with local,
25 national, or international insurance companies, liability
26 insurance that the authority is contractually and legally
27 obligated to provide, notwithstanding the requirements of s.
28 287.022(1).

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

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

3 (7) Enter into interlocal agreements in the manner
 4 provided in s. 163.01.

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

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

13 Section 29. Section 341.823, Florida Statutes, is
 14 amended to read:

15 341.823 Criteria for assessment and recommendations.--

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

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

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

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

31 (2) The authority shall establish requirements ~~make~~

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1 ~~recommendations~~ concerning:

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

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

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

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

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

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

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

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

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

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

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

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

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

31 ~~(g) Consideration of nonfare revenues that may be~~

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1 ~~derived from:~~

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

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

4 3. ~~Sale of advertising space on the trains or in the~~
5 ~~stations; and~~

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

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

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

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

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

14 ~~(i) An estimate of the annual operating and~~
15 ~~maintenance costs for the system and all other associated~~
16 ~~expenses.~~

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

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

28
29 Whenever applicable and appropriate, the authority will base
30 estimates of projected costs, expenses, and revenues on
31 documented expenditures or experience derived from similar

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1 projects.

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

4 341.824 Technical, scientific, or other assistance.--

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

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

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

23 Section 31. Section 341.827, Florida Statutes, is
24 created to read:

25 341.827 Service areas; segment designation.--

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

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

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

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

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

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

26 Section 32. Section 341.831, Florida Statutes, is
27 created to read:

28 341.831 Prequalification.--

29 (1) The authority may prequalify interested persons or
30 entities prior to seeking proposals for the design,
31 construction, operation, maintenance, and financing of the

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

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

10 Section 33. Section 341.832, Florida Statutes, is
11 created to read:

12 341.832 Request for qualifications.--

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

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

22 Section 34. Section 341.833, Florida Statutes, is
23 created to read:

24 341.833 Request for proposals.--

25 (1) The authority is authorized to develop and execute
26 a request for proposals process to seek a person or entity to
27 design, build, operate, maintain, and finance a high-speed
28 rail system. However, the authority may not enter into a
29 contract without legislative approval. The authority may issue
30 multiple requests for proposals. The authority shall develop
31 criteria for selection of a person or entity that shall be

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1 included in any request for proposals.

2 (2) In the request for proposals, the authority shall
3 specify the minimum period of time for the contract duration.

4 A person or entity may propose a longer period of time for the
5 contract and provide justification of the need for an extended
6 contract period. If the authority extends the time period for
7 the contract, such time period shall be extended for all
8 persons or entities if so requested.

9 (3) The responses to the request for proposals must
10 include:

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

13 (b) The proposed fare structure for passenger and
14 freight service;

15 (c) Proposed trip times, system capacity, passenger
16 accommodations, and amenities;

17 (d) Methods to ensure compliance with applicable
18 environmental standards and regulations;

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

21 (f) Consideration of nonfare revenues that may be
22 derived from:

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

24 2. License, franchise, and lease fees;

25 3. Sale of advertising space on the trains or in the
26 stations; and

27 4. Any other potential sources considered appropriate.

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

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

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

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

4 (h) An estimate of the annual operating and
5 maintenance costs for the system and all other associated
6 expenses.

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

11 Section 35. Section 341.836, Florida Statutes, is
12 created to read:

13 341.836 Associated development.--The authority, alone
14 or as part of a joint development, may study the development
15 of associated developments to be a source of revenue for the
16 establishment, construction, operation, or maintenance of the
17 high-speed rail system. Such associated developments must be
18 associated with a rail station and have pedestrian ingress to
19 and egress from the rail station; be consistent, to the extent
20 feasible, with applicable local government comprehensive plans
21 and local land development regulations; and otherwise be in
22 compliance with the provisions of this act.

23 Section 36. Section 341.837, Florida Statutes, is
24 created to read:

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

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1 Section 37. 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.

8 Section 38. Section 341.843, Florida Statutes, is
9 created to read:

10 341.843 Provisions of act controlling.--To the extent
11 that the provisions of this act are inconsistent with the
12 provisions of any general statute or special act or parts
13 thereof, the provisions of this act shall be deemed
14 controlling.

15
16 (Redesignate subsequent sections.)

17
18
19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 2, line 28, after the semicolon

22
23 insert:

24 amending s. 341.822, F.S.; revising and
25 providing additional powers and duties of the
26 authority; amending s. 341.823, F.S.; revising
27 the criteria for assessment and recommendations
28 with respect to the establishment of the
29 high-speed rail system; amending s. 341.824,
30 F.S.; specifying types of technical,
31 scientific, or other assistance to be provided

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1 by the Department of Community Affairs and the
2 Department of Environmental Protection;
3 creating s. 341.827, F.S.; providing for
4 determination of service areas and the order of
5 system segment construction; requiring
6 cooperation with metropolitan planning
7 organizations; creating s. 341.831, F.S.;
8 authorizing the authority to prequalify
9 interested persons or entities prior to seeking
10 proposals for the design, construction,
11 operation, maintenance, and financing of the
12 high-speed rail system; providing for the
13 establishment of qualifying criteria; creating
14 s. 341.832, F.S.; authorizing the authority to
15 develop and execute a request for
16 qualifications process; creating s. 341.833,
17 F.S.; authorizing the authority to develop and
18 execute a request for proposals process to seek
19 a person or entity to design, build, operate,
20 maintain, and finance a high-speed rail system;
21 creating s. 341.836, F.S.; authorizing the
22 authority to study the development of
23 associated developments; providing requirements
24 of associated developments; creating s.
25 341.837, F.S.; providing for payment of
26 expenses incurred in carrying out the act;
27 creating s. 341.839, F.S.; providing that the
28 act is supplemental and additional to powers
29 conferred by other laws; creating s. 341.843,
30 F.S.; providing that inconsistent provisions of
31 other laws are superseded;