



663606

LEGISLATIVE ACTION

| | | |
|------------|---|-------|
| Senate | . | House |
| Comm: RCS | . | |
| 04/18/2011 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Budget (Sobel) recommended the following:

Senate Amendment (with title amendment)

Between lines 2959 and 2960
insert:

Section 58. High-speed rail and fixed-guideway
transportation systems; contracting procedures; public
disclosure.-

(1) LEGISLATIVE FINDINGS AND INTENT.-

(a) The Legislature finds that the design, engineering,
operation, and maintenance of Florida's proposed high-speed rail
system and other fixed-guideway transportation systems will be
funded with public moneys provided by federal and state
taxpayers, bond sales, and public-private partnerships following



663606

14 competitive bidding processes.

15 (b) The Florida Rail Enterprise and residents of this state
16 should have the benefit of appropriate and complete disclosure
17 by all entities competing to build and operate the high-speed
18 rail system and other fixed-guideway transportation systems.
19 Such disclosure and related due diligence is essential to this
20 state's regulation and oversight of the contracting process and
21 expenditure of state funds.

22 (c) It has come to the Legislature's attention that certain
23 potential entities that have expressed interest in competing for
24 publicly funded rail system contracts have engaged in conduct
25 that the Legislature believes requires public disclosures. For
26 instance, between 1942 and 1944, many thousands of persons,
27 including current residents of this state, were deported to
28 extermination camps, work camps, concentration camps, prisoner-
29 of-war camps, or any similar camps by whatever name in Europe on
30 trains.

31 (d) It is the intent of the Legislature that, in the spirit
32 of complete transparency, the bidding and contract entities
33 competing for contracts reveal what, if any, relationship the
34 entity had with those entities that served the interests of
35 those responsible for the mass deportations in wartime.

36 (2) CONTRACTING PROCEDURES; FULL DISCLOSURE.—This
37 subsection establishes the proper procedures for entities that
38 intend to bid or submit a proposal to contract with the Florida
39 Rail Enterprise or a fixed-guideway transportation system for
40 goods or services related to the high-speed and other rail
41 systems, as contemplated by the Florida Rail Enterprise Act.

42 (a) Notwithstanding any other law, each entity applying for



663606

43 a publicly funded contract with the Florida Rail Enterprise or a
44 fixed-guideway transportation system, including, but not limited
45 to, the engineering, construction, manufacture, or operation of
46 a high-speed rail system or other fixed-guideway transportation
47 system, shall affirmatively certify the following in advance of
48 submitting a formal bid:

49 1. Whether the entity had any direct involvement in the
50 deportation of any individual to an extermination camp, work
51 camp, concentration camp, prisoner-of-war camp, or any similar
52 camp in Europe during the period from January 1, 1942, through
53 December 31, 1944.

54 2. If an entity responds that it had a direct involvement
55 in the deportation of any individual, as described in
56 subparagraph 1., the entity shall certify all of the following:

57 a. Whether the entity has any records, whenever created, in
58 its possession, custody, or control related to those
59 deportations.

60 b. Whether the entity has taken any remedial action
61 concerning those deportations, and whether the entity has
62 provided restitution to all identifiable victims of those
63 deportations.

64 (b) An entity that certifies its direct involvement under
65 this subsection may provide any mitigating circumstances in
66 narrative or documentary form.

67 (c) The Florida Rail Enterprise or other fixed-guideway
68 transportation system shall acknowledge receipt of the
69 information as required by this subsection when awarding
70 contracts.

71 (3) DEFINITIONS.—As used in this section, the term:



663606

72 (a) "Direct involvement" means ownership or operation of
73 the trains on which a person was deported to an extermination
74 camp, work camp, concentration camp, prisoner-of-war camp, or
75 any similar camp by whatever name in Europe during the period
76 from January 1, 1942, through December 31, 1944.

77 (b) "Entity" includes any corporation, affiliate, or other
78 entity that controls, is controlled by, or is under common
79 control with, or that is a member of a partnership or a
80 consortium with, an entity that is subject to this section. An
81 entity is presumed to be in control of another corporation or
82 entity if it owns or directly or indirectly controls more than
83 50 percent of the voting securities or more than 50 percent of
84 any other ownership interest of the other corporation or entity.
85 This definition applies irrespective of whether or not the
86 equity interest in the entity is owned by a foreign state.

87 (c) "Fixed-guideway transportation system" means a public
88 transit system for the transporting of people by a conveyance,
89 or a series of interconnected conveyances, which is specifically
90 designed for travel on a stationary rail or other guideway,
91 whether located on, above, or under the ground.

92
93
94 ===== T I T L E A M E N D M E N T =====

95 And the title is amended as follows:

96 Delete line 224

97 and insert:

98 future expiration of the pilot program; providing
99 legislative findings and intent relating to high-speed rail;
100 requiring each entity intending to bid or submit a proposal to



663606

101 contract with the Florida Rail Enterprise or a fixed-guideway
102 transportation system for goods or services related to high-
103 speed or other rail systems to certify whether the entity had
104 any direct involvement in the deportation of any individual to
105 an extermination camp, work camp, concentration camp, prisoner-
106 of-war camp, or any similar camp by whatever name located in
107 Europe during the period from January 1, 1942, through December
108 31, 1944, and if so, whether the entity has physical possession
109 of records related to the deportations and has provided
110 restitution to identifiable victims; authorizing the entity to
111 offer proof of mitigating circumstances related to acts
112 committed during the wartime period; requiring that the Florida
113 Rail Enterprise and other fixed-guideway transportation system
114 acknowledge receipt of the information when awarding contracts;
115 providing definitions; providing an
116