

By Senator Sobel

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1 A bill to be entitled
2 An act relating to public contracts; providing
3 legislative findings and intent; requiring each entity
4 intending to bid or submit a proposal to contract with
5 the Florida Rail Enterprise or a fixed-guideway
6 transportation system for goods or services related to
7 high-speed or other rail systems to certify whether
8 the entity had any direct involvement in the
9 deportation of any individual to an extermination
10 camp, work camp, concentration camp, prisoner-of-war
11 camp, or any similar camp by whatever name located in
12 Europe during the period from January 1, 1942, through
13 December 31, 1944, and if so, whether the entity has
14 physical possession of records related to the
15 deportations and has provided restitution to
16 identifiable victims; authorizing the entity to offer
17 proof of mitigating circumstances related to acts
18 committed during the wartime period; requiring that
19 the Florida Rail Enterprise and other fixed-guideway
20 transportation system acknowledge receipt of the
21 information when awarding contracts; providing
22 definitions; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. High-speed rail and fixed-guideway
27 transportation systems; contracting procedures; public
28 disclosure.-

29 (1) LEGISLATIVE FINDINGS AND INTENT.-

31-00379A-11

20111660__

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

36 (b) The Florida Rail Enterprise and residents of this state
37 should have the benefit of appropriate and complete disclosure
38 by all entities competing to build and operate the high-speed
39 rail system and other fixed-guideway transportation systems.
40 Such disclosure and related due diligence is essential to this
41 state's regulation and oversight of the contracting process and
42 expenditure of state funds.

43 (c) It has come to the Legislature's attention that certain
44 potential entities that have expressed interest in competing for
45 publicly funded rail system contracts have engaged in conduct
46 that the Legislature believes requires public disclosures. For
47 instance, between 1942 and 1944, many thousands of persons,
48 including current residents of this state, were deported to
49 extermination camps, work camps, concentration camps, prisoner-
50 of-war camps, or any similar camps by whatever name in Europe on
51 trains.

52 (d) It is the intent of the Legislature that, in the spirit
53 of complete transparency, the bidding and contract entities
54 competing for contracts reveal what, if any, relationship the
55 entity had with those entities that served the interests of
56 those responsible for the mass deportations in wartime.

57 (2) CONTRACTING PROCEDURES; FULL DISCLOSURE.—This
58 subsection establishes the proper procedures for entities that

31-00379A-11

20111660

59 intend to bid or submit a proposal to contract with the Florida
60 Rail Enterprise or a fixed-guideway transportation system for
61 goods or services related to the high-speed and other rail
62 systems, as contemplated by the Florida Rail Enterprise Act.

63 (a) Notwithstanding any other law, each entity applying for
64 a publicly funded contract with the Florida Rail Enterprise or a
65 fixed-guideway transportation system, including, but not limited
66 to, the engineering, construction, manufacture, or operation of
67 a high-speed rail system or other fixed-guideway transportation
68 system, shall affirmatively certify the following in advance of
69 submitting a formal bid:

70 1. Whether the entity had any direct involvement in the
71 deportation of any individual to an extermination camp, work
72 camp, concentration camp, prisoner-of-war camp, or any similar
73 camp in Europe during the period from January 1, 1942, through
74 December 31, 1944.

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

78 a. Whether the entity has any records, whenever created, in
79 its possession, custody, or control related to those
80 deportations.

81 b. Whether the entity has taken any remedial action
82 concerning those deportations, and whether the entity has
83 provided restitution to all identifiable victims of those
84 deportations.

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

31-00379A-11

20111660

88 (c) The Florida Rail Enterprise or other fixed-guideway
89 transportation system shall acknowledge receipt of the
90 information as required by this subsection when awarding
91 contracts.

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

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

98 (b) "Entity" includes any corporation, affiliate, or other
99 entity that controls, is controlled by, or is under common
100 control with, or that is a member of a partnership or a
101 consortium with, an entity that is subject to this section. An
102 entity is presumed to be in control of another corporation or
103 entity if it owns or directly or indirectly controls more than
104 50 percent of the voting securities or more than 50 percent of
105 any other ownership interest of the other corporation or entity.
106 This definition applies irrespective of whether or not the
107 equity interest in the entity is owned by a foreign state.

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

113 Section 2. This act shall take effect July 1, 2011.