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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Jeff Atwater, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1-B and requests the concurrence of the Senate.

Robert L. "Bob" Ward, Clerk

By Economic Development & Community Affairs Policy Council and Representative(s) Aubuchon—

HB 1-B—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; creating the Florida Statewide Passenger Rail Commission to monitor passenger rail systems and associated operations, advise the Department of Transportation concerning a statewide system of passenger rail service, evaluate passenger rail policies, and provide advice and recommendations to the Legislature on passenger rail operations in the state; providing for membership and organization of the commission; authorizing reimbursement for travel and other expenses of members; prohibiting the commission and its members from taking part in operations of the department or a monitored authority; assigning the commission to the Office of the Secretary of the department for administrative purposes; providing that expenses of the commission shall be approved by the secretary; directing the department to provide administrative support and services to the commission; providing for a rail enterprise in the department to be headed by an executive director and headquartered in Leon County; providing that the executive director shall be appointed by the Secretary of Transportation; directing the secretary to assign to the executive director the responsibility for funding, developing, and operating high-speed and passenger rail systems under specified provisions and coordinating publicly funded passenger rail operations; exempting the enterprise from department policies, procedures, and standards; providing exceptions; amending s. 201.15, F.S.; revising allocation of certain moneys in the State Transportation Trust Fund by increasing the percentage to be allocated for purposes of the Small County Outreach Program and providing for an annual allocation to the Florida Rail Enterprise; amending s. 339.135, F.S.; providing a funding source for allocations to the South Florida Regional Transportation Authority under specified provisions; amending s. 343.58, F.S., relating to the South Florida Regional Transportation Authority; providing that funds dedicated by county governments may be used for certain purposes; providing for allocation of funds from the State Transportation Trust Fund to the authority; providing for cessation of the allocation under certain circumstances; amending s. 341.301, F.S.; revising the definition of "railroad" or "rail system" to include a high-speed rail system and providing definitions for purposes of provisions for rail programs; amending s. 341.302, F.S.; revising duties and responsibilities of the department to develop and implement a rail program; authorizing the department's rail system plan to include regional components for certain purposes; revising requirements for the plan to be updated; requiring a plan status report to the Legislature; directing the department to work with local communities to address impacts of passenger rail implementation, finalize alternative routes for through freight rail traffic in Central Florida, and provide technical assistance to

a coalition of municipalities and counties in Central Florida for development of a regional rail system plan; providing parameters within which the department may by contract indemnify against loss a freight rail operator from whom it has acquired interest in a rail corridor; authorizing the department to purchase liability insurance including coverage for the department, any freight rail operator, commuter rail service providers, governmental entities, or any ancillary development and establish a self-insurance retention fund; limiting the amount of the insurance and self-insurance retention fund; providing that the insureds must make payments for the coverage; providing that the insurance may provide coverage for all damages and be maintained to provide a fund to cover liabilities arising from rail corridor ownership and operations; authorizing the department to incur certain marketing expenses relating to rail corridor acquisition, ownership, construction, and operation; providing that indemnification by contract, the purchase of insurance, or establishment of a self-insurance retention fund does not waive sovereign immunity or increase liability limits provided under specified provisions; providing that specified provisions apply to the purchase of insurance; providing that specified provisions relating to rail service apply to other governmental entities under contract with the department or designated by the department; providing for application of specified provisions to procurement contracts for the construction, operation, maintenance, and management of a rail corridor by the department, a governmental entity under contract with the department, or a governmental entity designated by the department; authorizing the department to complete an escrowed closing on the Central Florida Rail Corridor acquisition if Federal Transit Administration full-funding grant agreement approval is obtained for the proposed Central Florida Commuter Rail Transit Project Initial Operating Segment; amending s. 341.303, F.S.; revising provisions for distribution of rail funds; removing provisions for funding service development projects; authorizing the department to fund net operating costs of eligible intercity or commuter rail systems for a certain time period; authorizing the department, through the Florida Rail Enterprise, to use specified funds to fund certain costs of passenger rail capital improvement projects, passenger rail planning and development, the high-speed rail system, and projects necessary to identify or address anticipated impacts of increased freight rail traffic due to implementing passenger rail systems; providing that the enterprise shall be a single budget entity; providing that the enterprise's budget include all passenger rail funding and be submitted to the Legislature along with the department's budget; directing the Governor to certify forward unexpended funds of the enterprise; providing for use of unencumbered funds certified forward; amending s. 341.8201, F.S.; revising a short title; providing that specified provisions may be cited as the "Florida Rail Enterprise Act"; amending s. 341.8203, F.S.; providing definitions for purposes of such act; amending s. 341.822, F.S.; providing powers and duties of the enterprise in addition to the powers and duties of the department; authorizing the enterprise to plan, construct, maintain, repair, operate, and promote a high-speed rail system, to acquire corridors, and to coordinate the development and operation of publicly funded passenger rail systems; providing intent; authorizing the enterprise to cooperate, coordinate, partner, and contract with other entities to accomplish its purposes; authorizing the enterprise to employ certain procurement methods; authorizing the executive director to employ staff; providing that such staff are exempt from specified Career Service System provisions; providing for construction; providing that provisions for powers of the enterprise supersede other laws that are inconsistent; requiring rail enterprise projects or improvements to be developed in accordance with the Florida Transportation Plan and the department's work program; creating s. 341.8225, F.S.; providing that only the department may acquire, construct, maintain, or operate the high-speed rail system; providing for an exception with legislative authorization; authorizing local governmental entities to negotiate with the department for the design, right-of-way acquisition, and construction of components of the system; amending s. 341.836, F.S.; providing for the

enterprise to undertake associated developments for certain purposes; amending s. 341.838, F.S.; authorizing the enterprise to establish and collect fares, rates, and other charges for services provided by the system; authorizing the enterprise to contract with other entities; directing the enterprise to review the fares, rates, and other charges annually; providing for use of moneys collected; providing that such fares, rates, and other charges are not subject to supervision or regulation by other entities; amending s. 341.839, F.S.; providing for construction of provisions granting powers to the enterprise; removing provisions relating to the Florida High-Speed Rail Authority; repealing ss. 341.8202, 341.821, 341.823, 341.824, 341.827, 341.828, 341.829, 341.830, 341.831, 341.832, 341.833, 341.834, 341.835, 341.837, and 341.841, F.S., relating to the

Florida High-Speed Rail Authority, legislative findings and intent, criteria for assessment and recommendations, technical, scientific, or other assistance, service areas, segment designation, permitting, conflict prevention, mitigation, and resolution, procurement, prequalification, request for qualifications, request for proposals, award of contract, acquisition of property, rights-of-way, and disposal of land, payment of expenses, and reports and audits; amending s. 110.205, F.S.; conforming cross-references; providing effective dates.

—was referred to the Committees on Transportation; Judiciary; and Transportation and Economic Development Appropriations.