

Amendment No.

CHAMBER ACTION

Senate

House

.

---

1 Representative Patronis offered the following:

2  
3 **Amendment (with title amendment)**

4 Between lines 74 and 75, insert:

5 Section 3. Section 341.8203, Florida Statutes, is amended  
6 to read:

7 341.8203 Definitions.—As used in ss. 341.8201-341.842,  
8 unless the context clearly indicates otherwise, the term:

9 (1) "Associated development" means property, equipment,  
10 buildings, or other related facilities which are built,  
11 installed, used, or established to provide financing, funding,  
12 or revenues for the planning, building, managing, and operation  
13 of a high-speed rail system and which are associated with or  
14 part of the rail stations. The term includes air and subsurface  
15 rights, services that provide local area network devices for  
16 transmitting data over wireless networks, parking facilities,

422647

Approved For Filing: 4/22/2013 1:14:11 PM

Amendment No.

17 retail establishments, restaurants, hotels, offices,  
18 advertising, or other commercial, civic, residential, or support  
19 facilities.

20 (2) "Communication facilities" means the communication  
21 systems related to high-speed passenger rail operations,  
22 including those that are built, installed, used, or established  
23 for the planning, building, managing, and operating of a high-  
24 speed rail system. The term includes the land, structures,  
25 improvements, rights-of-way, easements, positive train control  
26 systems, wireless communication towers, and facilities that are  
27 designed to provide voice and data services for the safe and  
28 efficient operation of the high-speed rail system and as  
29 amenities that may be made available to its crew and passengers  
30 as part of a high-speed rail service, and any other facilities  
31 or equipment used for operation of, or the facilitation of  
32 communications for, a high-speed rail system.

33 (3)-(2) "Enterprise" means the Florida Rail Enterprise.

34 (4)-(3) "High-speed rail system" means any high-speed fixed  
35 guideway system for transporting people or goods, which system  
36 is, by definition of the United States Department of  
37 Transportation, reasonably expected to reach speeds of at least  
38 110 miles per hour, including, but not limited to, a monorail  
39 system, dual track rail system, suspended rail system, magnetic  
40 levitation system, pneumatic repulsion system, or other system  
41 approved by the enterprise. The term includes a corridor,  
42 associated intermodal connectors, and structures essential to  
43 the operation of the line, including the land, structures,  
44 improvements, rights-of-way, easements, rail lines, rail beds,

422647

Approved For Filing: 4/22/2013 1:14:11 PM

Amendment No.

45 | guideway structures, switches, yards, parking facilities, power  
46 | relays, switching houses, and rail stations and also includes  
47 | facilities or equipment used exclusively for the purposes of  
48 | design, construction, operation, maintenance, or the financing  
49 | of the high-speed rail system.

50 |       ~~(5)-(4)~~ "Joint development" means the planning, managing,  
51 | financing, or constructing of projects adjacent to, functionally  
52 | related to, or otherwise related to a high-speed rail system  
53 | pursuant to agreements between any person, firm, corporation,  
54 | association, organization, agency, or other entity, public or  
55 | private.

56 |       ~~(6)-(5)~~ "Rail station," "station," or "high-speed rail  
57 | station" means any structure or transportation facility that is  
58 | part of a high-speed rail system designed to accommodate the  
59 | movement of passengers from one mode of transportation to  
60 | another at which passengers board or disembark from  
61 | transportation conveyances and transfer from one mode of  
62 | transportation to another.

63 |       (7) "Railroad company" means a person providing high-speed  
64 | passenger rail service.

65 |       ~~(8)-(6)~~ "Selected person or entity" means the person or  
66 | entity to whom the enterprise awards a contract to establish a  
67 | high-speed rail system pursuant to ss. 341.8201-341.842.

68 |       Section 4. Paragraph (c) is added to subsection (2) of  
69 | section 341.822, Florida Statutes, to read:

70 |       341.822 Powers and duties.—

71 |       (2)

Amendment No.

72        (c) The enterprise shall establish a process to issue  
73 permits to railroad companies for the construction of  
74 communication facilities within a new or existing public or  
75 private high-speed rail system. The enterprise may adopt rules  
76 to administer such permits, including rules regarding the form,  
77 content, and necessary supporting documentation for permit  
78 applications, the process for submitting applications, and the  
79 application fee for a permit under s. 341.825.

80        Section 5. Section 341.825, Florida Statutes, is created  
81 to read:

82        341.825 Communication facilities.—

83        (1) LEGISLATIVE INTENT.—The Legislature intends to:

84        (a) Establish a streamlined process to authorize the  
85 location, construction, operation, and maintenance of  
86 communication facilities within new and existing high-speed rail  
87 systems.

88        (b) Expedite the expansion of the high-speed rail system's  
89 wireless voice and data coverage and capacity for the safe and  
90 efficient operation of the high-speed rail system and the safety  
91 and efficiency of and use by its crew and passengers as a  
92 critical communication facility component.

93        (2) PERMIT APPLICATION.—A railroad company may submit to  
94 the enterprise an application to obtain a permit to construct  
95 communication facilities within a new or existing high-speed  
96 rail system. The application shall include an application fee  
97 limited to the amount needed to pay the anticipated costs of  
98 reviewing the application, not to exceed \$10,000, which shall be  
99 deposited into the State Transportation Trust Fund. The

422647

Approved For Filing: 4/22/2013 1:14:11 PM

Amendment No.

100 application must include the following information:

101 (a) The location of the proposed communication facilities.

102 (b) A description of the proposed communication  
103 facilities.

104 (c) Any other information reasonably required by the  
105 enterprise.

106 (3) APPLICATION REVIEW.—The enterprise shall review each  
107 application for completeness within 30 days after receipt of the  
108 application.

109 (a) If the enterprise determines that an application is  
110 not complete, the enterprise shall, within 30 days after the  
111 receipt of the initial application, notify the applicant in  
112 writing of any errors or omissions. The applicant shall have 30  
113 days within which to correct the errors or omissions in the  
114 initial application.

115 (b) If the enterprise determines that an application is  
116 complete, the enterprise shall act upon the permit application  
117 within 60 days after receipt of the completed application by  
118 approving in whole, approving with conditions as the enterprise  
119 deems appropriate, or denying the application and stating the  
120 reason for issuance or denial. In determining whether an  
121 application shall be approved, approved with modifications or  
122 conditions, or denied, the enterprise shall consider the extent  
123 to which the proposed communication facilities:

124 1. Are located in a manner that is appropriate for the  
125 communication technology specified by the applicant.

126 2. Serve an existing or projected future need for  
127 communication facilities.

422647

Approved For Filing: 4/22/2013 1:14:11 PM

Amendment No.

128 3. Provide sufficient wireless voice and data coverage and  
129 capacity for the safe and efficient operation of the high-speed  
130 rail system and the safety and efficiency of and use by its crew  
131 and passengers.

132 (4) EFFECT OF PERMIT.—Subject to the conditions set forth  
133 therein, a permit issued by the enterprise shall constitute the  
134 sole permit of the state and any agency as to the approval of  
135 the location, construction, operation, and maintenance of the  
136 communication facilities within the new or existing high-speed  
137 rail system.

138 (a) A permit authorizes the permittee to locate,  
139 construct, operate, and maintain the communication facilities  
140 within a new or existing high-speed rail system, subject only to  
141 the conditions set forth in the permit. Such activities are not  
142 subject to local government land use or zoning regulations.

143 (b) A permit may include conditions that constitute  
144 variances and exemptions from rules of the enterprise or any  
145 other agency, which would otherwise be applicable to the  
146 communication facilities within the new or existing high-speed  
147 rail system.

148 (c) The permit shall be in lieu of any license, permit,  
149 certificate, or similar document required by any state,  
150 regional, or local agency under, but not limited to, chapter  
151 125, chapter 161, chapter 163, chapter 166, chapter 186, chapter  
152 253, chapter 258, chapter 298, chapter 373, chapter 376, chapter  
153 379, chapter 380, chapter 381, chapter 403, chapter 404, chapter  
154 553, and the Florida Transportation Code.

155 (d) If any provision of this section is in conflict with

422647

Approved For Filing: 4/22/2013 1:14:11 PM

Amendment No.

156 any other provision, limitation, or restriction under any law,  
157 rule, regulation, or ordinance of this state or any political  
158 subdivision, municipality, or agency, this section shall control  
159 and such law, rule, regulation, or ordinance shall be deemed  
160 superseded. Nothing in this section is intended to impose  
161 procedures or restrictions on railroad companies that are  
162 subject to the exclusive jurisdiction of the federal Surface  
163 Transportation Board pursuant to the Interstate Commerce  
164 Commission Termination Act of 1995, 49 U.S.C. ss. 10101, et seq.

165 (5) MODIFICATION OF PERMIT.-A permit may be modified by  
166 the applicant after issuance upon the filing of a petition with  
167 the enterprise.

168 (a) A petition for modification must set forth the  
169 proposed modification and the factual reasons asserted for the  
170 modification.

171 (b) The enterprise shall act upon the petition within 30  
172 days by approving or denying the application and stating the  
173 reason for issuance or denial.

174 Section 6. Paragraph (b) of subsection (2) of section  
175 341.840, Florida Statutes, is amended to read:

176 341.840 Tax exemption.-

177 (2)

178 (b) For the purposes of this section, any item or property  
179 that is within the definition of the term "associated  
180 development" in s. 341.8203(1) may not be considered part of the  
181 high-speed rail system as defined in s. 341.8203(4) ~~s.~~  
182 ~~341.8203(3)~~.

183

422647

Approved For Filing: 4/22/2013 1:14:11 PM

Amendment No.

184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208

-----

**T I T L E   A M E N D M E N T**

Remove line 6 and insert:  
development permits; amending s. 341.8203, F.S.;  
defining "communication facilities" and "railroad  
company" as used in the Florida Rail Enterprise Act;  
amending s. 341.822, F.S.; requiring the rail  
enterprise to establish a process to issue permits for  
railroad companies to construct communication  
facilities within a high speed rail system; providing  
rulemaking authority; providing for fees for issuing a  
permit; creating s. 341.825, F.S.; providing for a  
permit authorizing the permittee to locate, construct,  
operate, and maintain communication facilities within  
a new or existing high speed rail system; providing  
for application procedures and fees; providing for the  
effects of a permit; providing an exemption from local  
land use and zoning regulations; authorizing the  
enterprise to permit variances and exemptions from  
rules of the enterprise or other agencies; providing  
that a permit is in lieu of licenses, permits,  
certificates, or similar documents required under  
specified laws; providing for a modification of a  
permit; amends s. 341.840, F.S.; conforming a cross-  
reference; amending s. 32, ch. 2012-205,