



703592

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
05/01/2013 03:05 PM	.	05/02/2013 05:40 PM
	.	

Senator Altman moved the following:

Senate Amendment (with title amendment)

Delete lines 165 - 342

and insert:

Section 4. Section 341.8203, Florida Statutes, is amended to read:

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

(1) "Associated development" means property, equipment, buildings, or other related facilities which are built, installed, used, or established to provide financing, funding, or revenues for the planning, building, managing, and operation of a high-speed rail system and which are associated with or



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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,
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 which 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; voice, data,
29 and wireless communication amenities made available to crew and
30 passengers as part of a high-speed rail service; and any other
31 facilities or equipment used for operation of, or the
32 facilitation of communications for, a high-speed rail system.
33 Owners of communication facilities may not offer voice or data
34 service to any entity other than passengers, crew, or other
35 persons involved in the operation of a high-speed rail system.

36 (3)~~(2)~~ "Enterprise" means the Florida Rail Enterprise.

37 (4)~~(3)~~ "High-speed rail system" means any high-speed fixed
38 guideway system for transporting people or goods, which system
39 is, by definition of the United States Department of
40 Transportation, reasonably expected to reach speeds of at least
41 110 miles per hour, including, but not limited to, a monorail
42 system, dual track rail system, suspended rail system, magnetic



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43 levitation system, pneumatic repulsion system, or other system
44 approved by the enterprise. The term includes a corridor,
45 associated intermodal connectors, and structures essential to
46 the operation of the line, including the land, structures,
47 improvements, rights-of-way, easements, rail lines, rail beds,
48 guideway structures, switches, yards, parking facilities, power
49 relays, switching houses, and rail stations and also includes
50 facilities or equipment used exclusively for the purposes of
51 design, construction, operation, maintenance, or the financing
52 of the high-speed rail system.

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

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

66 (7) "Railroad company" means a person developing, or
67 providing service on, a high-speed rail system.

68 (8)~~(6)~~ "Selected person or entity" means the person or
69 entity to whom the enterprise awards a contract to establish a
70 high-speed rail system pursuant to ss. 341.8201-341.842.

71 Section 5. Paragraph (c) is added to subsection (2) of



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72 section 341.822, Florida Statutes, to read:

73 341.822 Powers and duties.—

74 (2)

75 (c) The enterprise shall establish a process to issue
76 permits to railroad companies for the construction of
77 communication facilities within a new or existing public or
78 private high-speed rail system. The enterprise may adopt rules
79 to administer such permits, including rules regarding the form,
80 content, and necessary supporting documentation for permit
81 applications; the process for submitting applications; and the
82 application fee for a permit under s. 341.825. The enterprise
83 shall provide a copy of a completed permit application to
84 municipalities and counties where the high-speed rail system
85 will be located. The enterprise shall allow each such
86 municipality and county 30 days to provide comments to the
87 enterprise regarding the application, including any
88 recommendations regarding conditions that may be placed on the
89 permit.

90 Section 6. Section 341.825, Florida Statutes, is created to
91 read:

92 341.825 Communication facilities.—

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

94 (a) Establish a streamlined process to authorize the
95 location, construction, operation, and maintenance of
96 communication facilities within new and existing high-speed rail
97 systems.

98 (b) Expedite the expansion of the high-speed rail system's
99 wireless voice and data coverage and capacity for the safe and
100 efficient operation of the high-speed rail system and the



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101 safety, use, and efficiency of its crew and passengers as a
102 critical communication facilities component.

103 (2) APPLICATION SUBMISSION.—A railroad company may submit
104 to the enterprise an application to obtain a permit to construct
105 communication facilities within a new or existing high-speed
106 rail system. The application shall include an application fee
107 limited to the amount needed to pay the anticipated cost of
108 reviewing the application, not to exceed \$10,000, which shall be
109 deposited into the State Transportation Trust Fund. The
110 application must include the following information:

- 111 (a) The location of the proposed communication facilities.
- 112 (b) A description of the proposed communication facilities.
- 113 (c) Any other information reasonably required by the
114 enterprise.

115 (3) APPLICATION REVIEW.—The enterprise shall review each
116 application for completeness within 30 days after receipt of the
117 application.

118 (a) If the enterprise determines that an application is not
119 complete, the enterprise shall, within 30 days after the receipt
120 of the initial application, notify the applicant in writing of
121 any errors or omissions. An applicant shall have 30 days within
122 which to correct the errors or omissions in the initial
123 application.

124 (b) If the enterprise determines that an application is
125 complete, the enterprise shall act upon the permit application
126 within 60 days of the receipt of the completed application by
127 approving in whole, approving with conditions as the enterprise
128 deems appropriate, or denying the application, and stating the
129 reason for issuance or denial. In determining whether an



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130 application should be approved, approved with modifications or
131 conditions, or denied, the enterprise shall consider any
132 comments or recommendations received from a municipality or
133 county and the extent to which the proposed communication
134 facilities:

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

137 2. Serve an existing or projected future need for
138 communication facilities.

139 3. Provide sufficient wireless voice and data coverage and
140 capacity for the safe and efficient operation of the high-speed
141 rail system and the safety, use, and efficiency of its crew and
142 passengers.

143 (c) The failure to adopt any recommendation or comment may
144 not be a basis for challenging the issuance of a permit.

145 (4) EFFECT OF PERMIT.—

146 (a) A permit authorizes the permittee to locate, construct,
147 operate, and maintain the communication facilities within a new
148 or existing high-speed rail system, subject to the conditions
149 set forth in the permit. Such activities are not subject to
150 local government land use or zoning regulations.

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

156 (c) Notwithstanding any other provisions of law, the permit
157 shall be in lieu of any license, permit, certificate, or similar
158 document required by any local agency.



159 (d) Nothing in this section is intended to impose
160 procedures or restrictions on railroad companies that are
161 subject to the exclusive jurisdiction of the federal Surface
162 Transportation Board pursuant to the Interstate Commerce
163 Commission Termination Act of 1995, 49 U.S.C. ss. 10101, et seq.

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

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

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

173 Section 7. Paragraph (b) of subsection (2) of section
174 341.840, is amended to read:

175 341.840 Tax exemption.—

176 (2)

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

182
183 ===== T I T L E A M E N D M E N T =====

184 And the title is amended as follows:

185 Delete line 21

186 and insert:

187 used in the Florida Rail Enterprise Act; prohibiting



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188 owners of communication facilities from offering
189 certain services to persons unrelated to a high-speed
190 rail system; amending s.