

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Artiles offered the following:

Amendment (with title amendment)

Remove lines 1761-1938 and insert:

Section 31. 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 part of the rail stations. The term includes air and subsurface rights, services that provide local area network devices for transmitting data over wireless networks, parking facilities,

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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 (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,

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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 developing, or
64 providing service on, a high speed rail system.

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 32. Paragraph (c) is added to subsection (2) of
69 section 341.822, Florida Statutes, to read:

70 341.822 Powers and duties.—

71 (2)

72 (c) The enterprise shall establish a process to issue

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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. The enterprise
80 shall provide a copy of a completed permit application to
81 municipalities and counties where the high speed rail system
82 will be located. The enterprise shall allow each such
83 municipality and county 30 days to provide comments to the
84 enterprise regarding the application, including any
85 recommendations regarding conditions that may be placed on the
86 permit.

87 Section 33. Section 341.825, Florida Statutes, is created
88 to read:

89 341.825 Communication facilities.—

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

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

95 (b) Expedite the expansion of the high-speed rail system's
96 wireless voice and data coverage and capacity for the safe and
97 efficient operation of the high-speed rail system and the
98 safety, use, and efficiency of its crew and passengers as a
99 critical communication facilities component.

100 (2) APPLICATION SUBMISSION.—A railroad company may submit

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101 to the enterprise an application to obtain a permit to construct
102 communication facilities within a new or existing high speed
103 rail system. The application shall include an application fee
104 that shall not exceed \$10,000, which shall be deposited into the
105 State Transportation Trust Fund. The application shall include
106 the following information:

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

108 (b) A description of the proposed communication
109 facilities.

110 (c) Any other information reasonably required by the
111 enterprise.

112 (3) APPLICATION REVIEW.—The enterprise shall review each
113 application for completeness within 30 days after receipt of the
114 application.

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

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

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129 comments or recommendations received from a municipality or
130 county and the extent to which the proposed communication
131 facilities:

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

134 2. Serve an existing or projected future need for
135 communication facilities.

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

140 (c) The failure to adopt any recommendation or comment
141 shall not be a basis for challenging the issuance of a permit.

142 (4) EFFECT OF PERMIT.—Subject to the conditions set forth
143 therein, a permit issued by the enterprise shall constitute the
144 sole permit of the state and any agency as to the approval of
145 the location, construction, operation, and maintenance of the
146 communication facilities within the new or existing high speed
147 rail system.

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

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

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157 rail system.

158 (c) Notwithstanding any other provisions of law, the
159 permit shall be in lieu of any license, permit, certificate, or
160 similar document required by any state, regional, or local
161 agency.

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

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

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

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

176 Section 34. Paragraph (b) of subsection (2) of section
177 341.840, is amended to read:

178 341.840 Tax exemption.—

179 (2)

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

184 ~~341.8203(3)~~.

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T I T L E A M E N D M E N T

Remove lines 197-218 and insert:
funds; 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;
providing that copies of the permit application will
be sent to municipalities and counties who will have
an opportunity to comment on the application; 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; providing for a
modification of a permit; amends s. 341.840, F.S.;

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212 conforming a cross-reference; amending ss. 343.82 and
213 343.922, F.S.;