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LEGISLATIVE ACTION

Senate

.

House

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Senator Brandes moved the following:

1 **Senate Amendment to Amendment (740626) (with title**
2 **amendment)**

3
4 Between lines 1474 and 1475
5 insert:

6 Section 47. Section 341.8203, Florida Statutes, is amended
7 to read:

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

10 (1) "Associated development" means property, equipment,
11 buildings, or other related facilities which are built,
12 installed, used, or established to provide financing, funding,
13 or revenues for the planning, building, managing, and operation



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14 of a high-speed rail system and which are associated with or
15 part of the rail stations. The term includes air and subsurface
16 rights, services that provide local area network devices for
17 transmitting data over wireless networks, parking facilities,
18 retail establishments, restaurants, hotels, offices,
19 advertising, or other commercial, civic, residential, or support
20 facilities.

21 (2) "Communication facilities" means the communication
22 systems related to high-speed passenger rail operations,
23 including those which are built, installed, used, or established
24 for the planning, building, managing, and operating of a high-
25 speed rail system. The term includes the land; structures;
26 improvements; rights-of-way; easements; positive train control
27 systems; wireless communication towers and facilities that are
28 designed to provide voice and data services for the safe and
29 efficient operation of the high-speed rail system; voice, data,
30 and wireless communication amenities made available to crew and
31 passengers as part of a high-speed rail service; and any other
32 facilities or equipment used for operation of, or the
33 facilitation of communications for, a high-speed rail system.
34 Owners of communication facilities may not offer voice or data
35 service to any entity other than passengers, crew, or other
36 persons involved in the operation of a high-speed rail system.

37 (3)-~~(2)~~ "Enterprise" means the Florida Rail Enterprise.

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



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

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

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

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

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



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72 Section 48. Paragraph (c) is added to subsection (2) of
73 section 341.822, Florida Statutes, to read:

74 341.822 Powers and duties.—

75 (2)

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

91 Section 49. Section 341.825, Florida Statutes, is created
92 to read:

93 341.825 Communication facilities.—

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

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

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



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101 efficient operation of the high-speed rail system and the
102 safety, use, and efficiency of its crew and passengers as a
103 critical communication facilities component.

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

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

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

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

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



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130 reason for issuance or denial. In determining whether an
131 application should be approved, approved with modifications or
132 conditions, or denied, the enterprise shall consider any
133 comments or recommendations received from a municipality or
134 county and the extent to which the proposed communication
135 facilities:

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

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

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

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

146 (4) EFFECT OF PERMIT.—

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

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

157 (c) Notwithstanding any other provisions of law, the permit
158 shall be in lieu of any license, permit, certificate, or similar



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159 document required by any local agency.

160 (d) 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 the
166 applicant after issuance upon the filing of a petition with the
167 enterprise.

168 (a) A petition for modification must set forth the proposed
169 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 50. Paragraph (b) of subsection (2) of section
175 341.840, 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
184 ===== T I T L E A M E N D M E N T =====

185 And the title is amended as follows:

186 Delete line 4556

187 and insert:



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188 of the intermodal development program; amending s.
189 341.8203, F.S.; defining "communication facilities"
190 and "railroad company" as used in the Florida Rail
191 Enterprise Act; prohibiting owners of communication
192 facilities from offering certain services to persons
193 unrelated to a high-speed rail system; amending s.
194 341.822, F.S.; requiring the rail enterprise to
195 establish a process to issue permits for railroad
196 companies to construct communication facilities within
197 a high speed rail system; providing rulemaking
198 authority; providing for fees for issuing a permit;
199 creating s. 341.825, F.S.; providing for a permit
200 authorizing the permittee to locate, construct,
201 operate, and maintain communication facilities within
202 a new or existing high speed rail system; providing
203 for application procedures and fees; providing for the
204 effects of a permit; providing an exemption from local
205 land use and zoning regulations; authorizing the
206 enterprise to permit variances and exemptions from
207 rules of the enterprise or other agencies; providing
208 that a permit is in lieu of licenses, permits,
209 certificates, or similar documents required under
210 specified laws; providing for a modification of a
211 permit; amends s. 341.840, F.S.; conforming a cross-
212 reference; amending s.