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

35 (4)-(3) "High-speed rail system" means any high-speed fixed
36 guideway system for transporting people or goods, which system
37 is, by definition of the United States Department of
38 Transportation, reasonably expected to reach speeds of at least
39 110 miles per hour, including, but not limited to, a monorail
40 system, dual track rail system, suspended rail system, magnetic
41 levitation system, pneumatic repulsion system, or other system
42 approved by the enterprise. The term includes a corridor,



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

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

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

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

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

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

71 341.822 Powers and duties.—



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72 (2) (a) In addition to the powers granted to the department,
73 the enterprise has full authority to exercise all powers granted
74 to it under this chapter. Powers shall include, but are not
75 limited to, the ability to plan, construct, maintain, repair,
76 and operate a high-speed rail system, to acquire corridors, and
77 to coordinate the development and operation of publicly funded
78 passenger rail systems in the state.

79 (b) It is the express intention of ss. 341.8201-341.842
80 that the enterprise be authorized to plan, develop, own,
81 purchase, lease, or otherwise acquire, demolish, construct,
82 improve, relocate, equip, repair, maintain, operate, and manage
83 the high-speed rail system; to expend funds to publicize,
84 advertise, and promote the advantages of using the high-speed
85 rail system and its facilities; and to cooperate, coordinate,
86 partner, and contract with other entities, public and private,
87 to accomplish these purposes.

88 (c) The enterprise shall establish a process to issue
89 permits to railroad companies for the construction of
90 communication facilities within a new or existing public or
91 private high-speed rail system. The enterprise may adopt rules
92 to administer such permits, including rules regarding the form,
93 content, and necessary supporting documentation for permit
94 applications, the process for submitting applications, and the
95 application fee for a permit under s. 341.825. The enterprise
96 shall provide a copy of a completed permit application to
97 municipalities and counties where the high-speed rail system
98 will be located. The enterprise shall allow each such
99 municipality and county 30 days to provide comments to the
100 enterprise regarding the application, including any



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101 recommendations regarding conditions that may be placed on the
102 permit.

103 Section 49. Section 341.825, Florida Statutes, is created
104 to read:

105 341.825 Communication facilities.-

106 (1) LEGISLATIVE INTENT.-The Legislature intends to:

107 (a) Establish a streamlined process to authorize the
108 location, construction, operation, and maintenance of
109 communication facilities within new and existing high-speed rail
110 systems.

111 (b) Expedite the expansion of the high-speed rail system's
112 wireless voice and data coverage and capacity for the safe and
113 efficient operation of the high-speed rail system and the
114 safety, use, and efficiency of its crew and passengers as a
115 critical communication facilities component.

116 (2) APPLICATION SUBMISSION.-A railroad company may submit
117 to the enterprise an application to obtain a permit to construct
118 communication facilities within a new or existing high-speed
119 rail system. The application must include an application fee
120 that shall not exceed \$10,000, which shall be deposited into the
121 State Transportation Trust Fund. The application must include
122 the following information:

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

124 (b) A description of the proposed communication facilities.

125 (c) Any other information reasonably required by the
126 enterprise.

127 (3) APPLICATION REVIEW.-The enterprise shall review each
128 application for completeness within 30 days after receipt of the
129 application.



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130 (a) If the enterprise determines that an application is not
131 complete, the enterprise shall, within 30 days after the receipt
132 of the initial application, notify the applicant in writing of
133 any errors or omissions. An applicant has 30 days after receipt
134 of the notice to correct the errors or omissions in the initial
135 application and provide that information to the enterprise.

136 (b) If the enterprise determines that an application is
137 complete, the enterprise must act upon the permit application
138 within 60 days of the receipt of the completed application by
139 approving in whole, approving with conditions as the enterprise
140 deems appropriate, or denying the application, and stating the
141 reason for issuance or denial. In determining whether an
142 application should be approved, approved with modifications or
143 conditions, or denied, the enterprise shall consider any
144 comments or recommendations received from a municipality or
145 county and the extent to which the proposed communication
146 facilities:

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

149 2. Serve an existing or projected future need for
150 communication facilities.

151 3. Provide sufficient wireless voice and data coverage and
152 capacity for the safe and efficient operation of the high-speed
153 rail system and the safety, use, and efficiency of its crew and
154 passengers.

155 (c) The failure to adopt any recommendation or comment is
156 not a basis for challenging the issuance of a permit.

157 (4) EFFECT OF PERMIT.

158 (a) A permit authorizes the permittee to locate, construct,



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159 operate, and maintain the communication facilities within a new
160 or existing high speed rail system, subject to the conditions
161 set forth in the permit. Such activities are not subject to
162 local government land use or zoning regulations.

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

168 (c) Notwithstanding any other provisions of law, the permit
169 is in lieu of any license, permit, certificate, or similar
170 document required by any local agency.

171 (d) This section is not intended to impose procedures or
172 restrictions on a railroad company that is subject to the
173 exclusive jurisdiction of the federal Surface Transportation
174 Board pursuant to the Interstate Commerce Commission Termination
175 Act of 1995, 49 U.S.C. ss. 10101 et seq.

176 (5) MODIFICATION OF PERMIT.—After a permit is issued, an
177 applicant may file a petition with the enterprise to modify the
178 permit.

179 (a) A petition for modification must set forth the proposed
180 modification and the factual reasons asserted for the
181 modification.

182 (b) The enterprise shall act upon the petition within 30
183 days after receipt by approving or denying the application, and
184 stating the reason for issuance or denial.

185 Section 50. Paragraph (b) of subsection (2) of section
186 341.840, is amended to read:

187 341.840 Tax exemption.—



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188 (2)
189 (b) For the purposes of this section, any item or property
190 that is within the definition of the term "associated
191 development" in s. 341.8203(1) may not be considered part of the
192 high-speed rail system as defined in s. 341.8203 ~~s. 341.8203(3)~~.

193
194 ===== T I T L E A M E N D M E N T =====

195 And the title is amended as follows:

196 Between lines 4456 and 4457

197 insert:

198 341.8203, F.S.; defining the terms "communication
199 facilities" and "railroad company" as used in the
200 Florida Rail Enterprise Act; amending s. 341.822,
201 F.S.; requiring the rail enterprise to establish a
202 process to issue permits for railroad companies to
203 construct communication facilities within a high-speed
204 rail system; providing rulemaking authority; providing
205 for fees for issuing a permit; providing that copies
206 of the permit application will be sent to
207 municipalities and counties; requiring the rail
208 enterprise to allow municipalities and counties to
209 provide comments on the application; creating s.
210 341.825, F.S.; providing for a permit authorizing the
211 permittee to locate, construct, operate, and maintain
212 communication facilities within a new or existing
213 high-speed rail system; providing for application
214 procedures and fees; providing for the effects of a
215 permit; providing an exemption from local land use and
216 zoning regulations; authorizing the enterprise to



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217 include, in a permit, variances and exemptions from
218 rules of the enterprise or other agencies; providing
219 that a permit is in lieu of licenses, permits,
220 certificates, or similar documents; providing for a
221 modification of a permit; amending s. 341.840, F.S.;
222 conforming a cross-reference; amending s.