

1 A bill to be entitled
2 An act relating to the Statewide Alternative
3 Transportation Authority; amending s. 20.23, F.S.;
4 renaming the Florida Rail Enterprise within the
5 Department of Transportation as the Statewide
6 Alternative Transportation Authority; conforming
7 provisions to changes made by the act; amending s.
8 201.15, F.S.; revising annual allocations in the State
9 Transportation Trust Fund for the Transportation
10 Regional Incentive Program; specifying annual
11 allocations to the Tampa Bay Area Regional Transit
12 Authority and the Statewide Alternative Transportation
13 Authority for certain purposes; amending s. 341.303,
14 F.S.; providing requirements for the department's use
15 of funds provided to the Statewide Alternative
16 Transportation Authority; requiring contracts entered
17 into by the enterprise to remain with the authority;
18 providing requirements for funding requests and county
19 matching funds; amending s. 341.8201, F.S.; renaming
20 the "Florida Rail Enterprise Act" as the "Statewide
21 Alternative Transportation Authority Act"; amending s.
22 341.8203, F.S.; revising and providing definitions;
23 amending s. 341.822, F.S.; replacing powers and duties
24 of the enterprise relating to the high-speed rail
25 system with powers and duties of the authority

26 relating to the alternative transportation system;
 27 exempting proposed projects funded under the authority
 28 from a certain development requirement; amending ss.
 29 341.302, 341.825, 341.836, 341.838, 341.839, 341.840,
 30 and 343.58, F.S.; conforming provisions to changes
 31 made by the act; providing an effective date.

32

33 Be It Enacted by the Legislature of the State of Florida:

34

35 Section 1. Paragraphs (a) and (f) of subsection (4) of
 36 section 20.23, Florida Statutes, are amended to read:

37 20.23 Department of Transportation.—There is created a
 38 Department of Transportation which shall be a decentralized
 39 agency.

40 (4) (a) The operations of the department shall be organized
 41 into seven districts, each headed by a district secretary, and a
 42 turnpike enterprise and the Statewide Alternative Transportation
 43 Authority ~~a rail enterprise~~, each ~~enterprise~~ headed by an
 44 executive director. The district secretaries and the executive
 45 directors shall be registered professional engineers in
 46 accordance with ~~the provisions of~~ chapter 471 or the laws of
 47 another state, or, in lieu of professional engineer
 48 registration, a district secretary or executive director may
 49 hold an advanced degree in an appropriate related discipline,
 50 such as a Master of Business Administration. The headquarters of

51 the districts shall be located in Polk, Columbia, Washington,
52 Broward, Volusia, Miami-Dade, and Hillsborough Counties. The
53 headquarters of the turnpike enterprise shall be located in
54 Orange County. The headquarters of the Statewide Alternative
55 Transportation Authority ~~rail enterprise~~ shall be located in
56 Leon County. In order to provide for efficient operations and to
57 expedite the decisionmaking process, the department shall
58 provide for maximum decentralization to the districts.

59 (f)1. The responsibility for developing and operating the
60 alternative transportation system ~~high-speed and passenger rail~~
61 ~~systems~~ established in chapter 341, ~~directing funding for~~
62 ~~passenger rail systems under s. 341.303,~~ and coordinating
63 publicly funded alternative transportation systems for
64 passengers ~~passenger rail operations~~ in the state, including
65 freight rail interoperability issues, shall be delegated by the
66 secretary to the executive director of the Statewide Alternative
67 Transportation Authority ~~rail enterprise~~, who shall serve at the
68 pleasure of the secretary. The executive director shall report
69 directly to the secretary, and the Statewide Alternative
70 Transportation Authority ~~rail enterprise~~ shall operate pursuant
71 to ss. 341.8201-341.842.

72 2. To facilitate the most efficient and effective
73 management of the Statewide Alternative Transportation Authority
74 ~~rail enterprise~~, including the use of best business practices
75 employed by the private sector, the Statewide Alternative

76 Transportation Authority ~~rail enterprise~~, except as provided in
77 s. 287.055, is ~~shall be~~ exempt from departmental policies,
78 procedures, and standards, subject to the secretary having the
79 authority to apply any such policies, procedures, and standards
80 to the Statewide Alternative Transportation Authority ~~rail~~
81 ~~enterprise~~ from time to time as deemed appropriate.

82 Section 2. Paragraph (a) of subsection (4) of section
83 201.15, Florida Statutes, is amended, and paragraph (b) of that
84 subsection is republished, to read:

85 201.15 Distribution of taxes collected.—All taxes
86 collected under this chapter are hereby pledged and shall be
87 first made available to make payments when due on bonds issued
88 pursuant to s. 215.618 or s. 215.619, or any other bonds
89 authorized to be issued on a parity basis with such bonds. Such
90 pledge and availability for the payment of these bonds shall
91 have priority over any requirement for the payment of service
92 charges or costs of collection and enforcement under this
93 section. All taxes collected under this chapter, except taxes
94 distributed to the Land Acquisition Trust Fund pursuant to
95 subsections (1) and (2), are subject to the service charge
96 imposed in s. 215.20(1). Before distribution pursuant to this
97 section, the Department of Revenue shall deduct amounts
98 necessary to pay the costs of the collection and enforcement of
99 the tax levied by this chapter. The costs and service charge may
100 not be levied against any portion of taxes pledged to debt

101 service on bonds to the extent that the costs and service charge
 102 are required to pay any amounts relating to the bonds. All of
 103 the costs of the collection and enforcement of the tax levied by
 104 this chapter and the service charge shall be available and
 105 transferred to the extent necessary to pay debt service and any
 106 other amounts payable with respect to bonds authorized before
 107 January 1, 2017, secured by revenues distributed pursuant to
 108 this section. All taxes remaining after deduction of costs shall
 109 be distributed as follows:

110 (4) After the required distributions to the Land
 111 Acquisition Trust Fund pursuant to subsections (1) and (2) and
 112 deduction of the service charge imposed pursuant to s.
 113 215.20(1), the remainder shall be distributed as follows:

114 (a) The lesser of 24.18442 percent of the remainder or
 115 \$541.75 million in each fiscal year shall be paid into the State
 116 Treasury to the credit of the State Transportation Trust Fund.
 117 Of such funds, \$75 million for each fiscal year shall be
 118 transferred to the General Revenue Fund. Notwithstanding any
 119 other law, the remaining amount credited to the State
 120 Transportation Trust Fund shall be used for:

121 1. Capital funding for the New Starts Transit Program,
 122 authorized by Title 49, U.S.C. s. 5309 and specified in s.
 123 341.051, in the amount of 10 percent of the funds;

124 2. The Small County Outreach Program specified in s.
 125 339.2818, in the amount of 10 percent of the funds;

126 3. The Strategic Intermodal System specified in ss.
127 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent
128 of the funds after deduction of the payments required pursuant
129 to subparagraphs 1. and 2.; and

130 4. The Transportation Regional Incentive Program specified
131 in s. 339.2819, in the amount of 25 percent of the funds after
132 deduction of the payments required pursuant to subparagraphs 1.
133 and 2. Beginning in the 2019-2020 fiscal year, the first \$60
134 million of the funds allocated pursuant to this subparagraph
135 must ~~shall~~ be allocated annually for public-private partnerships
136 for alternative transportation systems for passengers, as
137 follows:

138 a. Twenty-five million dollars on a matching basis to the
139 Tampa Bay Area Regional Transit Authority for the design and
140 construction of an alternative transportation system, as defined
141 in s. 341.8203, for passengers. One dollar in local matching
142 funds must be provided for each dollar distributed under this
143 sub-subparagraph. Federal funds may not be substituted for the
144 local matching funds.

145 b. Thirty-five million dollars to the Statewide
146 Alternative Transportation Authority ~~to the Florida Rail~~
147 Enterprise for the purposes established in s. 341.303(5).

148 (b) The lesser of 0.1456 percent of the remainder or \$3.25
149 million in each fiscal year shall be paid into the State
150 Treasury to the credit of the Grants and Donations Trust Fund in

151 the Department of Economic Opportunity to fund technical
152 assistance to local governments.

153

154 Moneys distributed pursuant to paragraphs (a) and (b) may not be
155 pledged for debt service unless such pledge is approved by
156 referendum of the voters.

157 Section 3. Section 341.302, Florida Statutes, is amended
158 to read:

159 341.302 Rail program; duties and responsibilities of the
160 department.—The department, in conjunction with other
161 governmental entities, including the Statewide Alternative
162 Transportation Authority ~~rail enterprise~~ and the private sector,
163 shall develop and implement a rail program of statewide
164 application designed to ensure the proper maintenance, safety,
165 revitalization, and expansion of the rail system to assure its
166 continued and increased availability to respond to statewide
167 mobility needs. Within the resources provided pursuant to
168 chapter 216, and as authorized under federal law, the department
169 shall:

170 (1) Provide the overall leadership, coordination, and
171 financial and technical assistance necessary to assure the
172 effective responses of the state's rail system to current and
173 anticipated mobility needs.

174 (2) Promote and facilitate the implementation of advanced
175 rail systems, including high-speed rail and magnetic levitation

176 systems.

177 (3) Develop and periodically update the rail system plan,
 178 on the basis of an analysis of statewide transportation needs.

179 (a) The plan may contain detailed regional components,
 180 consistent with regional transportation plans, as needed to
 181 ensure connectivity within the state's regions, and it shall be
 182 consistent with the Florida Transportation Plan developed
 183 pursuant to s. 339.155. The rail system plan shall include an
 184 identification of priorities, programs, and funding levels
 185 required to meet statewide and regional needs. The rail system
 186 plan shall be developed in a manner that will assure the maximum
 187 use of existing facilities and the optimum integration and
 188 coordination of the various modes of transportation, public and
 189 private, in the most cost-effective manner possible. The rail
 190 system plan shall be updated no later than January 1, 2011, and
 191 at least every 5 years thereafter, and include plans for both
 192 passenger rail service and freight rail service, accompanied by
 193 a report to the Legislature regarding the status of the plan.

194 (b) In recognition of the department's role in the
 195 enhancement of the state's rail system to improve freight and
 196 passenger mobility, the department shall:

197 1. Work closely with all affected communities along an
 198 impacted freight rail corridor to identify and address
 199 anticipated impacts associated with an increase in freight rail
 200 traffic due to implementation of passenger rail.

201 2. In coordination with the affected local governments and
202 CSX Transportation, Inc., finalize all viable alternatives from
203 the department's Rail Traffic Evaluation Study to identify and
204 develop an alternative route for through freight rail traffic
205 moving through Central Florida, including the counties of Polk
206 and Hillsborough, which would address, to the extent
207 practicable, the effects of commuter rail.

208 3. Provide technical assistance to a coalition of local
209 governments in Central Florida, including the counties of
210 Brevard, Citrus, Hernando, Hillsborough, Lake, Marion, Orange,
211 Osceola, Pasco, Pinellas, Polk, Manatee, Sarasota, Seminole,
212 Sumter, and Volusia, and the municipalities within those
213 counties, to develop a regional rail system plan that addresses
214 passenger and freight opportunities in the region, is consistent
215 with the Florida Rail System Plan, and incorporates appropriate
216 elements of the Tampa Bay Area Regional Authority Master Plan,
217 the Metroplan Orlando Regional Transit System Concept Plan,
218 including the SunRail project, and the Florida Department of
219 Transportation Alternate Rail Traffic Evaluation.

220 (4) As part of the work program of the department,
221 formulate a specific program of projects and financing to
222 respond to identified railroad needs.

223 (5) Provide technical and financial assistance to units of
224 local government to address identified rail transportation
225 needs.

226 (6) Secure and administer federal grants, loans, and
 227 apportionments for rail projects within this state when
 228 necessary to further the statewide program.

229 (7) Develop and administer state standards concerning the
 230 safety and performance of rail systems, hazardous material
 231 handling, and operations. Such standards shall be developed
 232 jointly with representatives of affected rail systems, with full
 233 consideration given to nationwide industry norms, and shall
 234 define the minimum acceptable standards for safety and
 235 performance.

236 (8) Conduct, at a minimum, inspections of track and
 237 rolling stock; train signals and related equipment; hazardous
 238 materials transportation, including the loading, unloading, and
 239 labeling of hazardous materials at shippers', receivers', and
 240 transfer points; and train operating practices to determine
 241 adherence to state and federal standards. Department personnel
 242 may enforce any safety regulation issued under the Federal
 243 Government's preemptive authority over interstate commerce.

244 (9) Assess penalties, in accordance with the applicable
 245 federal regulations, for the failure to adhere to the state
 246 standards.

247 (10) Administer rail operating and construction programs,
 248 which programs shall include the regulation of maxi-mum train
 249 operating speeds, the opening and closing of public grade
 250 crossings, the construction and rehabilitation of public grade

251 crossings, and the installation of traffic control devices at
252 public grade crossings, the administering of the programs by the
253 department including participation in the cost of the programs.

254 (11) Coordinate and facilitate the relocation of railroads
255 from congested urban areas to nonurban areas when relocation has
256 been determined feasible and desirable from the standpoint of
257 safety, operational efficiency, and economics.

258 (12) Implement a program of branch line continuance
259 projects when an analysis of the industrial and economic
260 potential of the line indicates that public involvement is
261 required to preserve essential rail service and facilities.

262 (13) Provide new rail service and equipment when:

263 (a) Pursuant to the transportation planning process, a
264 public need has been determined to exist;

265 (b) The cost of providing such service does not exceed the
266 sum of revenues from fares charged to users, services purchased
267 by other public agencies, local fund participation, and specific
268 legislative appropriation for this purpose; and

269 (c) Service cannot be reasonably provided by other
270 governmental or privately owned rail systems.

271

272 The department may own, lease, and otherwise encumber
273 facilities, equipment, and appurtenances thereto, as necessary
274 to provide new rail services; or the department may provide such
275 service by contracts with privately owned service providers.

276 (14) Furnish required emergency rail transportation
 277 service if no other private or public rail transportation
 278 operation is available to supply the required service and such
 279 service is clearly in the best interest of the people in the
 280 communities being served. Such emergency service may be
 281 furnished through contractual arrangement, actual operation of
 282 state-owned equipment and facilities, or any other means
 283 determined appropriate by the secretary.

284 (15) Assist in the development and implementation of
 285 marketing programs for rail services and of information systems
 286 directed toward assisting rail systems users.

287 (16) Conduct research into innovative or potentially
 288 effective rail technologies and methods and maintain expertise
 289 in state-of-the-art rail developments.

290 (17) In conjunction with the acquisition, ownership,
 291 construction, operation, maintenance, and management of a rail
 292 corridor, have the authority to:

293 (a) Assume obligations pursuant to the following:

294 1.a. The department may assume the obligation by contract
 295 to forever protect, defend, indemnify, and hold harmless the
 296 freight rail operator, or its successors, from whom the
 297 department has acquired a real property interest in the rail
 298 corridor, and that freight rail operator's officers, agents, and
 299 employees, from and against any liability, cost, and expense,
 300 including, but not limited to, commuter rail passengers and rail

301 | corridor invitees in the rail corridor, regardless of whether
302 | the loss, damage, destruction, injury, or death giving rise to
303 | any such liability, cost, or expense is caused in whole or in
304 | part, and to whatever nature or degree, by the fault, failure,
305 | negligence, misconduct, nonfeasance, or misfeasance of such
306 | freight rail operator, its successors, or its officers, agents,
307 | and employees, or any other person or persons whomsoever; or

308 | b. The department may assume the obligation by contract to
309 | forever protect, defend, indemnify, and hold harmless National
310 | Railroad Passenger Corporation, or its successors, and officers,
311 | agents, and employees of National Railroad Passenger
312 | Corporation, from and against any liability, cost, and expense,
313 | including, but not limited to, commuter rail passengers and rail
314 | corridor invitees in the rail corridor, regardless of whether
315 | the loss, damage, destruction, injury, or death giving rise to
316 | any such liability, cost, or expense is caused in whole or in
317 | part, and to whatever nature or degree, by the fault, failure,
318 | negligence, misconduct, nonfeasance, or misfeasance of National
319 | Railroad Passenger Corporation, its successors, or its officers,
320 | agents, and employees, or any other person or persons
321 | whomsoever.

322 | 2. The assumption of liability of the department by
323 | contract pursuant to sub-subparagraph 1.a. or sub-subparagraph
324 | 1.b. may not in any instance exceed the following parameters of
325 | allocation of risk:

326 a. The department may be solely responsible for any loss,
327 injury, or damage to commuter rail passengers, or rail corridor
328 invitees, or trespassers, regardless of circumstances or cause,
329 subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and
330 6.

331 b.(I) In the event of a limited covered accident, the
332 authority of the department to protect, defend, and indemnify
333 the freight operator for all liability, cost, and expense,
334 including punitive or exemplary damages, in excess of the
335 deductible or self-insurance retention fund established under
336 paragraph (b) and actually in force at the time of the limited
337 covered accident exists only if the freight operator agrees,
338 with respect to the limited covered accident, to protect,
339 defend, and indemnify the department for the amount of the
340 deductible or self-insurance retention fund established under
341 paragraph (b) and actually in force at the time of the limited
342 covered accident.

343 (II) In the event of a limited covered accident, the
344 authority of the department to protect, defend, and indemnify
345 National Railroad Passenger Corporation for all liability, cost,
346 and expense, including punitive or exemplary damages, in excess
347 of the deductible or self-insurance retention fund established
348 under paragraph (b) and actually in force at the time of the
349 limited covered accident exists only if National Railroad
350 Passenger Corporation agrees, with respect to the limited

351 covered accident, to protect, defend, and indemnify the
352 department for the amount of the deductible or self-insurance
353 retention fund established under paragraph (b) and actually in
354 force at the time of the limited covered accident.

355 3. When only one train is involved in an incident, the
356 department may be solely responsible for any loss, injury, or
357 damage if the train is a department train or other train
358 pursuant to subparagraph 4., but only if:

359 a. When an incident occurs with only a freight train
360 involved, including incidents with trespassers or at grade
361 crossings, the freight rail operator is solely responsible for
362 any loss, injury, or damage, except for commuter rail passengers
363 and rail corridor invitees; or

364 b. When an incident occurs with only a National Railroad
365 Passenger Corporation train involved, including incidents with
366 trespassers or at grade crossings, National Railroad Passenger
367 Corporation is solely responsible for any loss, injury, or
368 damage, except for commuter rail passengers and rail corridor
369 invitees.

370 4. For the purposes of this subsection:

371 a. Any train involved in an incident that is neither the
372 department's train nor the freight rail operator's train,
373 hereinafter referred to in this subsection as an "other train,"
374 may be treated as a department train, solely for purposes of any
375 allocation of liability between the department and the freight

376 rail operator only, but only if the department and the freight
377 rail operator share responsibility equally as to third parties
378 outside the rail corridor who incur loss, injury, or damage as a
379 result of any incident involving both a department train and a
380 freight rail operator train, and the allocation as between the
381 department and the freight rail operator, regardless of whether
382 the other train is treated as a department train, shall remain
383 one-half each as to third parties outside the rail corridor who
384 incur loss, injury, or damage as a result of the incident. The
385 involvement of any other train shall not alter the sharing of
386 equal responsibility as to third parties outside the rail
387 corridor who incur loss, injury, or damage as a result of the
388 incident; or

389 b. Any train involved in an incident that is neither the
390 department's train nor the National Railroad Passenger
391 Corporation's train, hereinafter referred to in this subsection
392 as an "other train," may be treated as a department train,
393 solely for purposes of any allocation of liability between the
394 department and National Railroad Passenger Corporation only, but
395 only if the department and National Railroad Passenger
396 Corporation share responsibility equally as to third parties
397 outside the rail corridor who incur loss, injury, or damage as a
398 result of any incident involving both a department train and a
399 National Railroad Passenger Corporation train, and the
400 allocation as between the department and National Railroad

401 Passenger Corporation, regardless of whether the other train is
402 treated as a department train, shall remain one-half each as to
403 third parties outside the rail corridor who incur loss, injury,
404 or damage as a result of the incident. The involvement of any
405 other train shall not alter the sharing of equal responsibility
406 as to third parties outside the rail corridor who incur loss,
407 injury, or damage as a result of the incident.

408 5. When more than one train is involved in an incident:

409 a.(I) If only a department train and freight rail
410 operator's train, or only an other train as described in sub-
411 subparagraph 4.a. and a freight rail operator's train, are
412 involved in an incident, the department may be responsible for
413 its property and all of its people, all commuter rail
414 passengers, and rail corridor invitees, but only if the freight
415 rail operator is responsible for its property and all of its
416 people, and the department and the freight rail operator each
417 share one-half responsibility as to trespassers or third parties
418 outside the rail corridor who incur loss, injury, or damage as a
419 result of the incident; or

420 (II) If only a department train and a National Railroad
421 Passenger Corporation train, or only an other train as described
422 in sub-subparagraph 4.b. and a National Railroad Passenger
423 Corporation train, are involved in an incident, the department
424 may be responsible for its property and all of its people, all
425 commuter rail passengers, and rail corridor invitees, but only

426 | if National Railroad Passenger Corporation is responsible for
427 | its property and all of its people, all National Railroad
428 | Passenger Corporation's rail passengers, and the department and
429 | National Railroad Passenger Corporation each share one-half
430 | responsibility as to trespassers or third parties outside the
431 | rail corridor who incur loss, injury, or damage as a result of
432 | the incident.

433 | b.(I) If a department train, a freight rail operator
434 | train, and any other train are involved in an incident, the
435 | allocation of liability between the department and the freight
436 | rail operator, regardless of whether the other train is treated
437 | as a department train, shall remain one-half each as to third
438 | parties outside the rail corridor who incur loss, injury, or
439 | damage as a result of the incident; the involvement of any other
440 | train shall not alter the sharing of equal responsibility as to
441 | third parties outside the rail corridor who incur loss, injury,
442 | or damage as a result of the incident; and, if the owner,
443 | operator, or insurer of the other train makes any payment to
444 | injured third parties outside the rail corridor who incur loss,
445 | injury, or damage as a result of the incident, the allocation of
446 | credit between the department and the freight rail operator as
447 | to such payment shall not in any case reduce the freight rail
448 | operator's third-party-sharing allocation of one-half under this
449 | paragraph to less than one-third of the total third party
450 | liability; or

451 (II) If a department train, a National Railroad Passenger
452 Corporation train, and any other train are involved in an
453 incident, the allocation of liability between the department and
454 National Railroad Passenger Corporation, regardless of whether
455 the other train is treated as a department train, shall remain
456 one-half each as to third parties outside the rail corridor who
457 incur loss, injury, or damage as a result of the incident; the
458 involvement of any other train shall not alter the sharing of
459 equal responsibility as to third parties outside the rail
460 corridor who incur loss, injury, or damage as a result of the
461 incident; and, if the owner, operator, or insurer of the other
462 train makes any payment to injured third parties outside the
463 rail corridor who incur loss, injury, or damage as a result of
464 the incident, the allocation of credit between the department
465 and National Railroad Passenger Corporation as to such payment
466 shall not in any case reduce National Railroad Passenger
467 Corporation's third-party-sharing allocation of one-half under
468 this sub-subparagraph to less than one-third of the total third
469 party liability.

470 6. Any such contractual duty to protect, defend,
471 indemnify, and hold harmless such a freight rail operator or
472 National Railroad Passenger Corporation shall expressly include
473 a specific cap on the amount of the contractual duty, which
474 amount shall not exceed \$200 million without prior legislative
475 approval, and the department to purchase liability insurance and

476 establish a self-insurance retention fund in the amount of the
477 specific cap established under this subparagraph, provided that:

478 a. No such contractual duty shall in any case be effective
479 nor otherwise extend the department's liability in scope and
480 effect beyond the contractual liability insurance and self-
481 insurance retention fund required pursuant to this paragraph;
482 and

483 b.(I) The freight rail operator's compensation to the
484 department for future use of the department's rail corridor
485 shall include a monetary contribution to the cost of such
486 liability coverage for the sole benefit of the freight rail
487 operator.

488 (II) National Railroad Passenger Corporation's
489 compensation to the department for future use of the
490 department's rail corridor shall include a monetary contribution
491 to the cost of such liability coverage for the sole benefit of
492 National Railroad Passenger Corporation.

493 (b) Purchase liability insurance, which amount shall not
494 exceed \$200 million, and establish a self-insurance retention
495 fund for the purpose of paying the deductible limit established
496 in the insurance policies it may obtain, including coverage for
497 the department, any freight rail operator as described in
498 paragraph (a), National Railroad Passenger Corporation, commuter
499 rail service providers, governmental entities, or any ancillary
500 development, which self-insurance retention fund or deductible

501 shall not exceed \$10 million. The insureds shall pay a
502 reasonable monetary contribution to the cost of such liability
503 coverage for the sole benefit of the insured. Such insurance and
504 self-insurance retention fund may provide coverage for all
505 damages, including, but not limited to, compensatory, special,
506 and exemplary, and be maintained to provide an adequate fund to
507 cover claims and liabilities for loss, injury, or damage arising
508 out of or connected with the ownership, operation, maintenance,
509 and management of a rail corridor.

510 (c) Incur expenses for the purchase of advertisements,
511 marketing, and promotional items.

512 (d) Without altering any of the rights granted to the
513 department under this section, agree to assume the obligations
514 to indemnify and insure, pursuant to s. 343.545, freight rail
515 service, intercity passenger rail service, and commuter rail
516 service on a department-owned rail corridor, whether ownership
517 is in fee or by easement, or on a rail corridor where the
518 department has the right to operate.

519
520 Neither the assumption by contract to protect, defend,
521 indemnify, and hold harmless; the purchase of insurance; nor the
522 establishment of a self-insurance retention fund shall be deemed
523 to be a waiver of any defense of sovereign immunity for torts
524 nor deemed to increase the limits of the department's or the
525 governmental entity's liability for torts as provided in s.

526 768.28. The requirements of s. 287.022(1) shall not apply to the
527 purchase of any insurance under this subsection. The provisions
528 of this subsection shall apply and inure fully as to any other
529 governmental entity providing commuter rail service and
530 constructing, operating, maintaining, or managing a rail
531 corridor on publicly owned right-of-way under contract by the
532 governmental entity with the department or a governmental entity
533 designated by the department. Notwithstanding any law to the
534 contrary, procurement for the construction, operation,
535 maintenance, and management of any rail corridor described in
536 this subsection, whether by the department, a governmental
537 entity under contract with the department, or a governmental
538 entity designated by the department, shall be pursuant to s.
539 287.057 and shall include, but not be limited to, criteria for
540 the consideration of qualifications, technical aspects of the
541 proposal, and price. Further, any such contract for design-build
542 shall be procured pursuant to the criteria in s. 337.11(7).

543 (18) Exercise such other functions, powers, and duties in
544 connection with the rail system plan as are necessary to develop
545 a safe, efficient, and effective statewide transportation
546 system.

547 Section 4. Subsections (5) and (6) of section 341.303,
548 Florida Statutes, are amended to read:

549 341.303 Funding authorization and appropriations;
550 eligibility and participation.—

551 (5) FUND PARTICIPATION; STATEWIDE ALTERNATIVE
 552 TRANSPORTATION AUTHORITY FLORIDA RAIL ENTERPRISE.—The
 553 department, through the Statewide Alternative Transportation
 554 Authority, shall Florida Rail Enterprise, is authorized to use
 555 funds provided pursuant to s. 201.15(4)(a)4.b. in a county s-
 556 201.15(4)(a)4. to fund the design and construction of an
 557 alternative transportation system, as defined in s. 341.8203,
 558 for passengers, based on a proposal by the county which is
 559 approved by the authority as consistent with the requirements of
 560 this subsection. Any contracts entered into by the Florida Rail
 561 Enterprise must remain with the authority.†

562 (a) Of the \$35 million allocated under s.
 563 201.15(4)(a)4.b., \$25 million must be used for a project
 564 described in this subsection in a county as defined in s.
 565 125.011(1) and the remainder must be used by the authority for
 566 any county or counties in the state Up to 50 percent of the
 567 nonfederal share of the costs of any eligible passenger rail
 568 capital improvement project.

569 (b) A county proposing the use of funds for the purposes
 570 of this subsection must submit a request to the authority which
 571 includes a detailed project and financial plan Up to 100 percent
 572 of planning and development costs related to the provision of a
 573 passenger rail system, including, but not limited to,
 574 preliminary engineering, revenue studies, environmental impact
 575 studies, financial advisory services, engineering design, and

576 ~~other appropriate professional services.~~

577 (c) One dollar in local matching funds must be provided
 578 for each dollar distributed under this subsection. Federal funds
 579 may not be substituted for the local matching funds ~~The high-~~
 580 ~~speed rail system.~~

581 (d) The funding request must specify the duration of the
 582 project and the total amount sought by year ~~Projects necessary~~
 583 ~~to identify or address anticipated impacts of increased freight~~
 584 ~~rail traffic resulting from the implementation of passenger rail~~
 585 ~~systems as provided in s. 341.302(3)(b).~~

586 (e) Funds distributed under this subsection may not be
 587 used to subsidize existing projects.

588 (6) STATEWIDE ALTERNATIVE TRANSPORTATION AUTHORITY ~~FLORIDA~~
 589 ~~RAIL ENTERPRISE; BUDGET.-~~

590 (a) The Statewide Alternative Transportation Authority
 591 ~~Florida Rail Enterprise~~ shall be a single budget entity and
 592 shall develop a budget pursuant to chapter 216. The authority's
 593 ~~enterprise's~~ budget must ~~shall~~ be submitted to the Legislature
 594 ~~along~~ with the department's budget. All alternative
 595 transportation system ~~passenger rail~~ funding by the department
 596 must ~~shall~~ be included in this budget entity.

597 (b) Notwithstanding the provisions of s. 216.301 to the
 598 contrary and in accordance with s. 216.351, the Executive Office
 599 of the Governor shall, on July 1 of each year, certify forward
 600 all unexpended funds appropriated or provided pursuant to this

601 section for the authority ~~enterprise~~. Of the unexpended funds
602 certified forward, any unencumbered amounts shall be carried
603 forward. Such funds carried forward shall not exceed 5 percent
604 of the original approved operating budget of the authority
605 ~~enterprise~~ pursuant to s. 216.181(1). Funds carried forward
606 pursuant to this section may be used for any lawful purpose,
607 including, but not limited to, promotional and market
608 activities, technology, and training. Any certified-forward
609 funds remaining undisbursed on September 30 of each year shall
610 be carried forward.

611 Section 5. Section 341.8201, Florida Statutes, is amended
612 to read:

613 341.8201 Short title.—Sections 341.8201-341.842 may be
614 cited as the "Statewide Alternative Transportation Authority
615 Florida Rail Enterprise Act."

616 Section 6. Section 341.8203, Florida Statutes, is amended
617 to read:

618 341.8203 Definitions.—As used in ss. 341.8201-341.842,
619 unless the context clearly indicates otherwise, the term:

620 (1) "Alternative transportation system" means a system of
621 physical infrastructure, appurtenances, and technology designed
622 to move the greatest number of people in the least amount of
623 time. The term does not include the traditional use of a roadway
624 system for conveyance, but the term may include, without
625 limitation, a high-speed rail system.

626 (2) "Alternative transportation system station" means any
 627 structure or transportation facility that is part of an
 628 alternative transportation system designed to accommodate the
 629 movement of passengers from one mode of transportation to
 630 another, at which passengers board or disembark from
 631 transportation conveyances and transfer from one mode of
 632 transportation to another.

633 (3)~~(1)~~ "Associated development" means property, equipment,
 634 buildings, or other related facilities that ~~which~~ are built,
 635 installed, used, or established to provide financing, funding,
 636 or revenues for the planning, building, managing, and operation
 637 of an alternative transportation ~~a high-speed rail~~ system and
 638 that ~~which~~ are associated with or part of alternative
 639 transportation system ~~the rail~~ stations. The term includes air
 640 and subsurface rights, services that provide local area network
 641 devices for transmitting data over wireless networks, parking
 642 facilities, retail establishments, restaurants, hotels, offices,
 643 advertising, or other commercial, civic, residential, or support
 644 facilities.

645 (4) "Authority" means the Statewide Alternative
 646 Transportation Authority.

647 (5)~~(2)~~ "Communication facilities" means the communication
 648 systems related to the operation of an alternative
 649 transportation system for passengers ~~high-speed passenger rail~~
 650 operations, including those that ~~which~~ are built, installed,

651 used, or established for the planning, building, managing, and
652 operating of an alternative transportation ~~a high-speed rail~~
653 system. The term includes the land; structures; improvements;
654 rights-of-way; easements; positive train control systems;
655 wireless communication towers and facilities that are designed
656 to provide voice and data services for the safe and efficient
657 operation of an alternative transportation ~~the high-speed rail~~
658 system; voice, data, and wireless communication amenities made
659 available to crew and passengers as part of an alternative
660 transportation ~~a high-speed rail~~ service; and any other
661 facilities or equipment used for operation of, or the
662 facilitation of communications for, an alternative
663 transportation ~~a high-speed rail~~ system. Owners of communication
664 facilities may not offer voice or data service to any entity
665 other than passengers, crew, or other persons involved in the
666 operation of an alternative transportation ~~a high-speed rail~~
667 system.

668 ~~(3) "Enterprise" means the Florida Rail Enterprise.~~

669 (6) ~~(4)~~ "High-speed rail system" means any high-speed fixed
670 guideway system for transporting people or goods, which system
671 is, by definition of the United States Department of
672 Transportation, reasonably expected to reach speeds of at least
673 110 miles per hour, including, but not limited to, a monorail
674 system, dual track rail system, suspended rail system, magnetic
675 levitation system, pneumatic repulsion system, or other system

676 approved by the authority ~~enterprise~~. The term includes a
677 corridor, associated intermodal connectors, and structures
678 essential to the operation of the line, including the land,
679 structures, improvements, rights-of-way, easements, rail lines,
680 rail beds, guideway structures, switches, yards, parking
681 facilities, power relays, switching houses, and alternative
682 transportation system ~~rail~~ stations and also includes facilities
683 or equipment used exclusively for the purposes of design,
684 construction, operation, maintenance, or the financing of the
685 high-speed rail system.

686 ~~(7)~~ ~~(5)~~ "Joint development" means the planning, managing,
687 financing, or constructing of projects adjacent to, functionally
688 related to, or otherwise related to an alternative
689 transportation ~~a high-speed rail~~ system pursuant to agreements
690 between any person, firm, corporation, association,
691 organization, agency, or other entity, public or private.

692 ~~(6)~~ ~~"Rail station," "station," or "high-speed rail~~
693 ~~station"~~ means ~~any structure or transportation facility that is~~
694 ~~part of a high-speed rail system designed to accommodate the~~
695 ~~movement of passengers from one mode of transportation to~~
696 ~~another at which passengers board or disembark from~~
697 ~~transportation conveyances and transfer from one mode of~~
698 ~~transportation to another.~~

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

701 (8) "Selected person or entity" means the person or entity
 702 to whom the authority ~~enterprise~~ awards a contract to establish
 703 an alternative transportation ~~a high-speed rail~~ system pursuant
 704 to ss. 341.8201-341.842.

705 Section 7. Section 341.822, Florida Statutes, is amended
 706 to read:

707 341.822 Powers and duties.—

708 (1) The authority ~~enterprise~~ shall locate, plan, design,
 709 finance, construct, maintain, own, operate, administer, and
 710 manage the alternative transportation ~~high-speed rail~~ system in
 711 the state.

712 (2) (a) In addition to the powers granted to the
 713 department, the authority may fully ~~enterprise has full~~
 714 ~~authority to~~ exercise all powers granted to it under this
 715 chapter. Powers ~~shall~~ include, but are not limited to, the
 716 ability to plan, construct, maintain, repair, and operate an
 717 alternative transportation ~~a high-speed rail~~ system, to acquire
 718 corridors, and to coordinate the development and operation of
 719 publicly funded alternative transportation ~~passenger rail~~
 720 systems for passengers in the state.

721 (b) It is the express intention of ss. 341.8201-341.842
 722 that the authority ~~enterprise~~ be authorized to plan, develop,
 723 own, purchase, lease, or otherwise acquire, demolish, construct,
 724 improve, relocate, equip, repair, maintain, operate, and manage
 725 the alternative transportation ~~high-speed rail~~ system; to expend

726 funds to publicize, advertise, and promote the advantages of
727 using the alternative transportation ~~high-speed rail~~ system and
728 its facilities; and to cooperate, coordinate, partner, and
729 contract with other entities, public and private, to accomplish
730 these purposes.

731 (c) The authority ~~enterprise~~ shall establish a process to
732 issue permits to ~~railroad~~ companies for the construction of
733 communication facilities within a new or existing public or
734 private alternative transportation ~~high-speed rail~~ system. The
735 authority ~~enterprise~~ may adopt rules to administer such permits,
736 including rules regarding the form, content, and necessary
737 supporting documentation for permit applications; the process
738 for submitting applications; and the application fee for a
739 permit under s. 341.825. The authority ~~enterprise~~ shall provide
740 a copy of a completed permit application to municipalities and
741 counties where the alternative transportation ~~high-speed rail~~
742 system will be located. The authority ~~enterprise~~ shall allow
743 each such municipality and county 30 days to provide comments to
744 the authority ~~enterprise~~ regarding the application, including
745 any recommendations regarding conditions that may be placed on
746 the permit.

747 (3) The authority may ~~enterprise shall have the authority~~
748 ~~to~~ employ procurement methods available to the department under
749 chapters 255, 287, 334, and 337, or otherwise in accordance with
750 law. The authority ~~enterprise~~ may also solicit proposals and,

751 with legislative approval as evidenced by approval of the
752 project in the department's work program, enter into agreements
753 with private entities, or consortia thereof, for the building,
754 operation, ownership, or financing of the alternative
755 transportation high-speed rail system.

756 (4) The executive director of the authority ~~enterprise~~
757 shall appoint staff, who are ~~shall be~~ exempt from part II of
758 chapter 110.

759 (5) The powers conferred upon the authority ~~enterprise~~
760 under ss. 341.8201-341.842 are ~~shall be~~ in addition and
761 supplemental to the existing powers of the department, and these
762 powers may ~~shall~~ not be construed as repealing any provision of
763 any other law, general or local, but ~~shall~~ supersede such other
764 laws that are inconsistent with the exercise of the powers
765 provided under ss. 341.8201-341.842 and provide a complete
766 method for the exercise of such powers granted.

767 (6) Any proposed ~~rail enterprise~~ project or improvement,
768 except projects funded under s. 201.15(4)(a)4.b., must ~~shall~~ be
769 developed in accordance with the Florida Transportation Plan and
770 the work program under s. 339.135.

771 Section 8. Section 341.825, Florida Statutes, is amended
772 to read:

773 341.825 Communication facilities.—

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

775 (a) Establish a streamlined process to authorize the

776 location, construction, operation, and maintenance of
777 communication facilities within new and existing alternative
778 transportation high-speed rail systems.

779 (b) Expedite the expansion of the alternative
780 transportation high-speed rail system's wireless voice and data
781 coverage and capacity for the safe and efficient operation of
782 the alternative transportation high-speed rail system and the
783 safety, use, and efficiency of its crew and passengers as a
784 critical communication facilities component.

785 (2) APPLICATION SUBMISSION.—A ~~railroad~~ company may submit
786 to the authority enterprise an application to obtain a permit to
787 construct communication facilities within a new or existing
788 alternative transportation high-speed rail system. The
789 application must ~~shall~~ include an application fee limited to the
790 amount needed to pay the anticipated cost of reviewing the
791 application, not to exceed \$10,000, which must ~~shall~~ be
792 deposited into the State Transportation Trust Fund. The
793 application must include the following information:

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

795 (b) A description of the proposed communication
796 facilities.

797 (c) Any other information reasonably required by the
798 authority enterprise.

799 (3) APPLICATION REVIEW.—The authority enterprise shall
800 review each application for completeness within 30 days after

801 receipt of the application.

802 (a) If the authority ~~enterprise~~ determines that an
 803 application is not complete, the authority must ~~enterprise~~
 804 ~~shall~~, within 30 days after the receipt of the initial
 805 application, notify the applicant in writing of any errors or
 806 omissions. An applicant ~~has~~ ~~shall have~~ 30 days within which to
 807 correct the errors or omissions in the initial application.

808 (b) If the authority ~~enterprise~~ determines that an
 809 application is complete, the authority must ~~enterprise shall~~ act
 810 upon the permit application within 60 days after ~~of~~ the receipt
 811 of the completed application by approving in whole, approving
 812 with conditions as the authority ~~enterprise~~ deems appropriate,
 813 or denying the application, and stating the reason for issuance
 814 or denial. In determining whether an application should be
 815 approved, approved with modifications or conditions, or denied,
 816 the authority ~~enterprise~~ shall consider any comments or
 817 recommendations received from a municipality or county and the
 818 extent to which the proposed communication facilities:

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

821 2. Serve an existing or projected future need for
 822 communication facilities.

823 3. Provide sufficient wireless voice and data coverage and
 824 capacity for the safe and efficient operation of the alternative
 825 transportation ~~high-speed rail~~ system and the safety, use, and

826 efficiency of its crew and passengers.

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

829 (4) EFFECT OF PERMIT.—

830 (a) A permit authorizes the permittee to locate,
831 construct, operate, and maintain the communication facilities
832 within a new or existing alternative transportation ~~high-speed~~
833 ~~rail~~ system, subject to the conditions set forth in the permit.
834 Such activities are not subject to local government land use or
835 zoning regulations.

836 (b) A permit may include conditions that constitute
837 variances and exemptions from rules of the authority ~~enterprise~~
838 or any other agency, which would otherwise be applicable to the
839 communication facilities within the new or existing alternative
840 transportation ~~high-speed rail~~ system.

841 (c) Notwithstanding any other provisions of law, the
842 permit is ~~shall be~~ in lieu of any license, permit, certificate,
843 or similar document required by any local agency.

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

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

851 the authority ~~enterprise~~.

852 (a) A petition for modification must set forth the
853 proposed modification and the factual reasons asserted for the
854 modification.

855 (b) The authority ~~enterprise~~ shall act upon the petition
856 within 30 days by approving or denying the application, and
857 stating the reason for issuance or denial.

858 Section 9. Section 341.836, Florida Statutes, is amended
859 to read:

860 341.836 Associated development.—

861 (1) The authority ~~enterprise~~, alone or as part of a joint
862 development, may undertake associated developments to be a
863 source of revenue for the establishment, construction,
864 operation, or maintenance of the alternative transportation
865 ~~high-speed rail~~ system. Such associated developments must be
866 consistent, to the extent feasible, with applicable local
867 government comprehensive plans and local land development
868 regulations and otherwise be in compliance with ss. 341.8201-
869 341.842.

870 (2) Sections 341.8201-341.842 do not prohibit the
871 authority ~~enterprise~~, the selected person or entity, or a party
872 to a joint venture with the authority ~~enterprise~~ or its selected
873 person or entity from obtaining approval, pursuant to any other
874 law, for any associated development that is reasonably related
875 to the alternative transportation ~~high-speed rail~~ system.

876 Section 10. Section 341.838, Florida Statutes, is amended
 877 to read:

878 341.838 Fares, rates, rents, fees, and charges.—

879 (1) The authority ~~enterprise~~ may establish, revise,
 880 charge, and collect fares, rates, rents, fees, charges, and
 881 revenues for the use of and for the services furnished, or to be
 882 furnished, by the alternative transportation system and to
 883 contract with any person, partnership, association, corporation,
 884 or other body, public or private, in respect thereof. Such
 885 fares, rates, rents, fees, and charges must ~~shall~~ be reviewed
 886 annually by the authority ~~enterprise~~ and may be adjusted as set
 887 forth in the contract setting such fares, rates, rents, fees, or
 888 charges. The funds collected pursuant to this section must
 889 ~~shall~~, with any other funds available, be used to pay the cost
 890 of designing, building, operating, financing, and maintaining
 891 the alternative transportation system and each and every portion
 892 thereof, to the extent that the payment of such cost has not
 893 otherwise been adequately provided for.

894 (2) Fares, rates, rents, fees, and charges established,
 895 revised, charged, and collected by the authority ~~enterprise~~
 896 pursuant to this section are ~~shall~~ not ~~be~~ subject to supervision
 897 or regulation by any other department, commission, board, body,
 898 bureau, or agency of this state other than the authority
 899 ~~enterprise~~.

900 Section 11. Section 341.839, Florida Statutes, is amended

901 to read:

902 341.839 Alternate means.—Sections 341.8201-341.842 provide
 903 an additional and alternative method for accomplishing the
 904 purposes authorized therein and are supplemental and additional
 905 to powers conferred by other laws. Except as otherwise expressly
 906 provided in ss. 341.8201-341.842, none of the powers granted to
 907 the authority ~~enterprise~~ under ss. 341.8201-341.842 are subject
 908 to the supervision or require the approval or consent of any
 909 municipality or political subdivision or any commission, board,
 910 body, bureau, or official.

911 Section 12. Section 341.840, Florida Statutes, is amended
 912 to read:

913 341.840 Tax exemption.—

914 (1) The exercise of the powers granted under ss. 341.8201-
 915 341.842 will be in all respects for the benefit of the people of
 916 this state, for the increase of their commerce, welfare, and
 917 prosperity, and for the improvement of their health and living
 918 conditions. The design, construction, operation, maintenance,
 919 and financing of an alternative transportation ~~a high-speed rail~~
 920 system by the authority ~~enterprise~~, its agent, or the owner or
 921 lessee thereof, as herein authorized, constitutes the
 922 performance of an essential public function.

923 (2) (a) For the purposes of this section, the term
 924 "authority ~~enterprise~~" does not include agents of the authority
 925 ~~enterprise~~ other than contractors who qualify as such pursuant

926 to subsection (7).

927 (b) For the purposes of this section, any item or property
928 that is within the definition of the term "associated
929 development" in s. 341.8203 ~~s. 341.8203(1)~~ may not be considered
930 part of the alternative transportation ~~high-speed rail~~ system as
931 defined in s. 341.8203 ~~s. 341.8203(4)~~.

932 (3)(a) Purchases or leases of tangible personal property
933 or real property by the authority ~~enterprise~~, excluding agents
934 of the authority ~~enterprise~~, are exempt from taxes imposed by
935 chapter 212 as provided in s. 212.08(6). Purchases or leases of
936 tangible personal property that is incorporated into the
937 alternative transportation ~~high-speed rail~~ system as a component
938 part thereof, as determined by the authority ~~enterprise~~, by
939 agents of the authority, ~~enterprise~~ or by the owner of the
940 alternative transportation ~~high-speed rail~~ system are exempt
941 from sales or use taxes imposed by chapter 212. Leases, rentals,
942 or licenses to use real property granted to agents of the
943 authority ~~enterprise~~ or the owner of the alternative
944 transportation ~~high-speed rail~~ system are exempt from taxes
945 imposed by s. 212.031 if the real property becomes part of such
946 system. The exemptions granted in this subsection do not apply
947 to sales, leases, or licenses by the authority ~~enterprise~~,
948 agents of the authority ~~enterprise~~, or the owner of the
949 alternative transportation ~~high-speed rail~~ system.

950 (b) The exemption granted in paragraph (a) to purchases or

951 leases of tangible personal property by agents of the authority
952 ~~enterprise~~ or by the owner of the alternative transportation
953 ~~high-speed rail~~ system applies only to property that becomes a
954 component part of such system. It does not apply to items,
955 including, but not limited to, cranes, bulldozers, forklifts,
956 other machinery and equipment, tools and supplies, or other
957 items of tangible personal property used in the construction,
958 operation, or maintenance of the alternative transportation
959 ~~high-speed rail~~ system when such items are not incorporated into
960 the alternative transportation ~~high-speed rail~~ system as a
961 component part thereof.

962 (4) Any bonds or other security, and all notes, mortgages,
963 security agreements, letters of credit, or other instruments
964 that arise out of or are given to secure the repayment of bonds
965 or other security, issued by the authority ~~enterprise~~, or on
966 behalf of the authority ~~enterprise~~, their transfer, and the
967 income therefrom, including any profit made on the sale thereof,
968 shall at all times be free from taxation of every kind by the
969 state, the counties, and the municipalities and other political
970 subdivisions in the state. This subsection, however, does not
971 exempt from taxation or assessment the leasehold interest of a
972 lessee in any project or any other property or interest owned by
973 the lessee. The exemption granted by this subsection is not
974 applicable to any tax imposed by chapter 220 on interest income
975 or profits on the sale of debt obligations owned by

976 corporations.

977 (5) When property of the authority ~~enterprise~~ is leased to
 978 another person or entity, the property is ~~shall be~~ exempt from
 979 ad valorem taxation only if the use by the lessee qualifies the
 980 property for exemption under s. 196.199.

981 (6) A leasehold interest held by the authority ~~enterprise~~
 982 is not subject to intangible tax. However, if a leasehold
 983 interest held by the authority ~~enterprise~~ is subleased to a
 984 nongovernmental lessee, such subleasehold interest is ~~shall be~~
 985 deemed to be an interest described in s. 199.023(1)(d), Florida
 986 Statutes 2005, and is subject to the intangible tax.

987 (7)(a) In order to be considered an agent of the authority
 988 ~~enterprise~~ for purposes of the exemption from sales and use tax
 989 granted by subsection (3) for tangible personal property
 990 incorporated into the alternative transportation ~~high-speed rail~~
 991 system, a contractor of the authority ~~enterprise~~ that purchases
 992 or fabricates such tangible personal property must be certified
 993 by the authority ~~enterprise~~ as provided in this subsection.

994 (b)1. A contractor must apply for a renewal of the
 995 exemption not later than December 1 of each calendar year.

996 2. A contractor must apply to the authority ~~enterprise~~ on
 997 the application form adopted by the authority ~~enterprise~~, which
 998 shall develop the form in consultation with the Department of
 999 Revenue.

1000 3. The authority ~~enterprise~~ shall review each submitted

1001 application and determine whether it is complete. The authority
1002 ~~enterprise~~ shall notify the applicant of any deficiencies in the
1003 application within 30 days. Upon receipt of a completed
1004 application, the authority ~~enterprise~~ shall evaluate the
1005 application for exemption under this subsection and issue a
1006 certification that the contractor is qualified to act as an
1007 agent of the authority ~~enterprise~~ for purposes of this section
1008 or a denial of such certification within 30 days. The authority
1009 ~~enterprise~~ shall provide the Department of Revenue with a copy
1010 of each certification issued upon approval of an application.
1011 Upon receipt of a certification from the authority ~~enterprise~~,
1012 the Department of Revenue shall issue an exemption permit to the
1013 contractor.

1014 (c)1. The contractor may extend a copy of its exemption
1015 permit to its vendors in lieu of paying sales tax on purchases
1016 of tangible personal property qualifying for exemption under
1017 this section. Possession of a copy of the exemption permit
1018 relieves the seller of the responsibility of collecting tax on
1019 the sale, and the Department of Revenue shall look solely to the
1020 contractor for recovery of tax upon a determination that the
1021 contractor was not entitled to the exemption.

1022 2. The contractor may extend a copy of its exemption
1023 permit to real property subcontractors supplying and installing
1024 tangible personal property that is exempt under subsection (3).
1025 Any such subcontractor may extend a copy of the permit to the

1026 subcontractor's vendors in order to purchase qualifying tangible
1027 personal property tax-exempt. If the subcontractor uses the
1028 exemption permit to purchase tangible personal property that is
1029 determined not to qualify for exemption under subsection (3),
1030 the Department of Revenue may assess and collect any tax,
1031 penalties, and interest that are due from either the contractor
1032 holding the exemption permit or the subcontractor that extended
1033 the exemption permit to the seller.

1034 (d) Any contractor authorized to act as an agent of the
1035 authority ~~enterprise~~ under this section shall maintain the
1036 necessary books and records to document the exempt status of
1037 purchases and fabrication costs made or incurred under the
1038 permit. In addition, an authorized contractor extending its
1039 exemption permit to its subcontractors shall maintain a copy of
1040 the subcontractor's books, records, and invoices indicating all
1041 purchases made by the subcontractor under the authorized
1042 contractor's permit. If, in an audit conducted by the Department
1043 of Revenue, it is determined that tangible personal property
1044 purchased or fabricated claiming exemption under this section
1045 does not meet the criteria for exemption, the amount of taxes
1046 not paid at the time of purchase or fabrication shall be
1047 immediately due and payable to the Department of Revenue,
1048 together with the appropriate interest and penalty, computed
1049 from the date of purchase, in the manner prescribed by chapter
1050 212.

1051 (e) If a contractor fails to apply for an alternative
1052 transportation ~~a high-speed rail~~ system exemption permit, or if
1053 a contractor initially determined by the authority ~~enterprise~~ to
1054 not qualify for exemption is subsequently determined to be
1055 eligible, the contractor shall receive the benefit of the
1056 exemption in this subsection through a refund of previously paid
1057 taxes for transactions that otherwise would have been exempt. A
1058 refund may not be made for such taxes without the issuance of a
1059 certification by the authority ~~enterprise~~ that the contractor
1060 was authorized to make purchases tax-exempt and a determination
1061 by the Department of Revenue that the purchases qualified for
1062 the exemption.

1063 (f) The authority ~~enterprise~~ may adopt rules governing the
1064 application process for exemption of a contractor as an
1065 authorized agent of the authority ~~enterprise~~.

1066 (g) The Department of Revenue may adopt rules governing
1067 the issuance and form of alternative transportation ~~high-speed~~
1068 ~~rail~~ system exemption permits, the audit of contractors and
1069 subcontractors using such permits, the recapture of taxes on
1070 nonqualified purchases, and the manner and form of refund
1071 applications.

1072 Section 13. Paragraph (b) of subsection (4) of section
1073 343.58, Florida Statutes, is amended to read:

1074 343.58 County funding for the South Florida Regional
1075 Transportation Authority.—

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1076 (4) Notwithstanding any other provision of law to the
1077 contrary and effective July 1, 2010, until as provided in
1078 paragraph (d), the department shall transfer annually from the
1079 State Transportation Trust Fund to the South Florida Regional
1080 Transportation Authority the amounts specified in subparagraph
1081 (a)1. or subparagraph (a)2.

1082 (b) Funding required by this subsection may not be
1083 provided from the funds dedicated to the Statewide Alternative
1084 Transportation Authority ~~Florida Rail Enterprise~~ pursuant to s.
1085 201.15(4)(a)4.b. ~~s. 201.15(4)(a)4.~~

1086 Section 14. This act shall take effect July 1, 2018.