

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Artiles offered the following:

Substitute Amendment for Amendment (204109) (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

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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 Communications facilities may not be offered to provide voice or
35 data 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
43 system, dual track rail system, suspended rail system, magnetic
44 levitation system, pneumatic repulsion system, or other system

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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.

72 Section 32. Paragraph (c) is added to subsection (2) of

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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 33. 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 shall include the following information:

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

113 (b) A description of the proposed communication
114 facilities.

115 (c) Any other information reasonably required by the
116 enterprise.

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

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

126 (b) If the enterprise determines that an application is
127 complete, the enterprise shall act upon the permit application
128 within 60 days of the receipt of the completed application by

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

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

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

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

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

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

153 (a) A permit authorizes the permittee to locate,
154 construct, operate, and maintain the communication facilities
155 within a new or existing high speed rail system, subject only to
156 the conditions set forth in the permit. Such activities are not

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157 subject to local government land use or zoning regulations.

158 (b) A permit may include conditions that constitute
159 variances and exemptions from rules of the enterprise or any
160 other agency, which would otherwise be applicable to the
161 communication facilities within the new or existing high speed
162 rail system.

163 (c) Notwithstanding any other provisions of law, the
164 permit shall be in lieu of any license, permit, certificate, or
165 similar document required by any state, regional, or local
166 agency.

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

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

175 (a) A petition for modification must set forth the
176 proposed modification and the factual reasons asserted for the
177 modification.

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

181 Section 34. Paragraph (b) of subsection (2) of section
182 341.840, is amended to read:

183 341.840 Tax exemption.—

184 (2)

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185 (b) For the purposes of this section, any item or property
 186 that is within the definition of the term "associated
 187 development" in s. 341.8203(1) may not be considered part of the
 188 high-speed rail system as defined in s. 341.8203(4) ~~s.~~
 189 ~~341.8203(3)~~.

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

193 Remove lines 197-218 and insert:
 194 funds; amending s. 341.8203, F.S.; defining
 195 "communication facilities" and "railroad company" as
 196 used in the Florida Rail Enterprise Act; amending s.
 197 341.822, F.S.; requiring the rail enterprise to
 198 establish a process to issue permits for railroad
 199 companies to construct communication facilities within
 200 a high speed rail system; providing rulemaking
 201 authority; providing for fees for issuing a permit;
 202 providing that copies of the permit application will
 203 be sent to municipalities and counties who will have
 204 an opportunity to comment on the application; creating
 205 s. 341.825, F.S.; providing for a permit authorizing
 206 the permittee to locate, construct, operate, and
 207 maintain communication facilities within a new or
 208 existing high speed rail system; providing for
 209 application procedures and fees; providing for the
 210 effects of a permit; providing an exemption from local
 211 land use and zoning regulations; authorizing the
 212 enterprise to permit variances and exemptions from

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213 rules of the enterprise or other agencies; providing
214 that a permit is in lieu of licenses, permits,
215 certificates, or similar documents; providing for a
216 modification of a permit; amends s. 341.840, F.S.;
217 conforming a cross-reference; amending ss. 343.82 and
218 343.922, F.S.;