A bill to be entitled
An act relating to the Statewide Alternative
Transportation Authority; amending s. 20.23, F.S.;
renaming the Florida Rail Enterprise within the
Department of Transportation as the Statewide
Alternative Transportation Authority; conforming
provisions to changes made by the act; amending s.
201.15, F.S.; revising annual allocations in the State
Transportation Trust Fund for the Transportation
Regional Incentive Program; specifying annual
allocations to the Tampa Bay Area Regional Transit
Authority and the Statewide Alternative Transportation
Authority for certain purposes; amending s. 341.303,
F.S.; providing requirements for the department's use
of funds provided to the Statewide Alternative
Transportation Authority; requiring contracts entered
into by the enterprise to remain with the authority;
providing requirements for funding requests and county
matching funds; amending s. 341.8201, F.S.; renaming
the "Florida Rail Enterprise Act" as the "Statewide
Alternative Transportation Authority Act"; amending s.
341.8203, F.S.; revising and providing definitions;
amending s. 341.822, F.S.; replacing powers and duties
of the enterprise relating to the high-speed rail
system with powers and duties of the authority
relating to the alternative transportation system;

exempting proposed projects funded under the authority
from a certain development requirement; amending ss.
341.302, 341.825, 341.836, 341.838, 341.839, 341.840,
and 343.58, F.S.; conforming provisions to changes
made by the act; providing an effective date.

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

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

20.23  Department of Transportation.—There is created a

(4)(a)  The operations of the department shall be organized
into seven districts, each headed by a district secretary, and a
turnpike enterprise and the Statewide Alternative Transportation
Authority a rail enterprise, each enterprise headed by an
executive director. The district secretaries and the executive
directors shall be registered professional engineers in
accordance with the provisions of chapter 471 or the laws of
another state, or, in lieu of professional engineer
registration, a district secretary or executive director may
hold an advanced degree in an appropriate related discipline,
such as a Master of Business Administration. The headquarters of
the districts shall be located in Polk, Columbia, Washington, Broward, Volusia, Miami-Dade, and Hillsborough Counties. The headquarters of the turnpike enterprise shall be located in Orange County. The headquarters of the Statewide Alternative Transportation Authority rail enterprise shall be located in Leon County. In order to provide for efficient operations and to expedite the decisionmaking process, the department shall provide for maximum decentralization to the districts.

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

2. To facilitate the most efficient and effective management of the Statewide Alternative Transportation Authority rail enterprise, including the use of best business practices employed by the private sector, the Statewide Alternative
Transportation Authority rail enterprise, except as provided in s. 287.055, is shall be exempt from departmental policies, procedures, and standards, subject to the secretary having the authority to apply any such policies, procedures, and standards to the Statewide Alternative Transportation Authority rail enterprise from time to time as deemed appropriate.

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

201.15  Distribution of taxes collected.—All taxes collected under this chapter are hereby pledged and shall be first made available to make payments when due on bonds issued pursuant to s. 215.618 or s. 215.619, or any other bonds authorized to be issued on a parity basis with such bonds. Such pledge and availability for the payment of these bonds shall have priority over any requirement for the payment of service charges or costs of collection and enforcement under this section. All taxes collected under this chapter, except taxes distributed to the Land Acquisition Trust Fund pursuant to subsections (1) and (2), are subject to the service charge imposed in s. 215.20(1). Before distribution pursuant to this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. The costs and service charge may not be levied against any portion of taxes pledged to debt.
service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. All of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2017, secured by revenues distributed pursuant to this section. All taxes remaining after deduction of costs shall be distributed as follows:

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

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

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

2. The Small County Outreach Program specified in s. 339.2818, in the amount of 10 percent of the funds;
3. The Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent of the funds after deduction of the payments required pursuant to subparagraphs 1. and 2.; and

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

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

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

(b) The lesser of 0.1456 percent of the remainder or $3.25 million in each fiscal year shall be paid into the State Treasury to the credit of the Grants and Donations Trust Fund in
the Department of Economic Opportunity to fund technical assistance to local governments.

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

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

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

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

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

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

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

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

1. Work closely with all affected communities along an impacted freight rail corridor to identify and address anticipated impacts associated with an increase in freight rail traffic due to implementation of passenger rail.
2. In coordination with the affected local governments and CSX Transportation, Inc., finalize all viable alternatives from the department's Rail Traffic Evaluation Study to identify and develop an alternative route for through freight rail traffic moving through Central Florida, including the counties of Polk and Hillsborough, which would address, to the extent practicable, the effects of commuter rail.

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

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

(5) Provide technical and financial assistance to units of local government to address identified rail transportation needs.
(6) Secure and administer federal grants, loans, and apportionments for rail projects within this state when necessary to further the statewide program.

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

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

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

(10) Administer rail operating and construction programs, which programs shall include the regulation of maximum train operating speeds, the opening and closing of public grade crossings, the construction and rehabilitation of public grade
crossings, and the installation of traffic control devices at public grade crossings, the administering of the programs by the department including participation in the cost of the programs.

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

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

(13) Provide new rail service and equipment when:

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

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

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

The department may own, lease, and otherwise encumber facilities, equipment, and appurtenances thereto, as necessary to provide new rail services; or the department may provide such service by contracts with privately owned service providers.
(14) Furnish required emergency rail transportation service if no other private or public rail transportation operation is available to supply the required service and such service is clearly in the best interest of the people in the communities being served. Such emergency service may be furnished through contractual arrangement, actual operation of state-owned equipment and facilities, or any other means determined appropriate by the secretary.

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

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

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

(a) Assume obligations pursuant to the following:

1.a. The department may assume the obligation by contract to forever protect, defend, indemnify, and hold harmless the freight rail operator, or its successors, from whom the department has acquired a real property interest in the rail corridor, and that freight rail operator's officers, agents, and employees, from and against any liability, cost, and expense, including, but not limited to, commuter rail passengers and rail
corridor invitees in the rail corridor, regardless of whether
the loss, damage, destruction, injury, or death giving rise to
any such liability, cost, or expense is caused in whole or in
part, and to whatever nature or degree, by the fault, failure,
negligence, misconduct, nonfeasance, or misfeasance of such
freight rail operator, its successors, or its officers, agents,
and employees, or any other person or persons whomsoever; or

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

2. The assumption of liability of the department by
contract pursuant to sub-subparagraph 1.a. or sub-subparagraph
1.b. may not in any instance exceed the following parameters of
allocation of risk:
a. The department may be solely responsible for any loss, injury, or damage to commuter rail passengers, or rail corridor invitees, or trespassers, regardless of circumstances or cause, subject to sub-subparagraph b. and subparagraphs 3., 4., 5., and 6.

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

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

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

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

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

4. For the purposes of this subsection:

   a. Any train involved in an incident that is neither the
department's train nor the freight rail operator's train,
hereinafter referred to in this subsection as an "other train,"
may be treated as a department train, solely for purposes of any
allocation of liability between the department and the freight
rail operator only, but only if the department and the freight
rail operator share responsibility equally as to third parties
outside the rail corridor who incur loss, injury, or damage as a
result of any incident involving both a department train and a
freight rail operator train, and the allocation as between the
department and the freight rail operator, regardless of whether
the other train is treated as a department train, shall remain
one-half each as to third parties outside the rail corridor who
incur loss, injury, or damage as a result of the incident. The
involvement of any other train shall not alter the sharing of
equal responsibility as to third parties outside the rail
corridor who incur loss, injury, or damage as a result of the
incident; or

b. Any train involved in an incident that is neither the
department's train nor the National Railroad Passenger
Corporation's train, hereinafter referred to in this subsection
as an "other train," may be treated as a department train,
solely for purposes of any allocation of liability between the
department and National Railroad Passenger Corporation only, but
only if the department and National Railroad Passenger
Corporation share responsibility equally as to third parties
outside the rail corridor who incur loss, injury, or damage as a
result of any incident involving both a department train and a
National Railroad Passenger Corporation train, and the
allocation as between the department and National Railroad
Passenger Corporation, regardless of whether the other train is
treated as a department train, shall remain one-half each as to
third parties outside the rail corridor who incur loss, injury,
or damage as a result of the incident. The involvement of any
other train shall not alter the sharing of equal responsibility
as to third parties outside the rail corridor who incur loss,
injury, or damage as a result of the incident.

5. When more than one train is involved in an incident:
   a.(I) If only a department train and freight rail
   operator's train, or only an other train as described in sub-
   subparagraph 4.a. and a freight rail operator's train, are
   involved in an incident, the department may be responsible for
   its property and all of its people, all commuter rail
   passengers, and rail corridor invitees, but only if the freight
   rail operator is responsible for its property and all of its
   people, and the department and the freight rail operator each
   share one-half responsibility as to trespassers or third parties
   outside the rail corridor who incur loss, injury, or damage as a
   result of the incident; or
   (II) If only a department train and a National Railroad
   Passenger Corporation train, or only an other train as described
   in sub-subparagraph 4.b. and a National Railroad Passenger
   Corporation train, are involved in an incident, the department
   may be responsible for its property and all of its people, all
   commuter rail passengers, and rail corridor invitees, but only
if National Railroad Passenger Corporation is responsible for
its property and all of its people, all National Railroad
Passenger Corporation's rail passengers, and the department and
National Railroad Passenger Corporation each share one-half
responsibility as to trespassers or third parties outside the
rail corridor who incur loss, injury, or damage as a result of
the incident.

b.(I) If a department train, a freight rail operator
train, and any other train are involved in an incident, the
allocation of liability between the department and the freight
rail operator, regardless of whether the other train is treated
as a department train, shall remain one-half each as to third
parties outside the rail corridor who incur loss, injury, or
damage as a result of the incident; the involvement of any other
train shall not alter the sharing of equal responsibility as to
third parties outside the rail corridor who incur loss, injury,
or damage as a result of the incident; and, if the owner,
operator, or insurer of the other train makes any payment to
injured third parties outside the rail corridor who incur loss,
injury, or damage as a result of the incident, the allocation of
credit between the department and the freight rail operator as
to such payment shall not in any case reduce the freight rail
operator's third-party-sharing allocation of one-half under this
paragraph to less than one-third of the total third party
liability; or
(II) If a department train, a National Railroad Passenger Corporation train, and any other train are involved in an incident, the allocation of liability between the department and National Railroad Passenger Corporation, regardless of whether the other train is treated as a department train, shall remain one-half each as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident; the involvement of any other train shall not alter the sharing of equal responsibility as to third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident; and, if the owner, operator, or insurer of the other train makes any payment to injured third parties outside the rail corridor who incur loss, injury, or damage as a result of the incident, the allocation of credit between the department and National Railroad Passenger Corporation as to such payment shall not in any case reduce National Railroad Passenger Corporation's third-party-sharing allocation of one-half under this sub-subparagraph to less than one-third of the total third party liability.

6. Any such contractual duty to protect, defend, indemnify, and hold harmless such a freight rail operator or National Railroad Passenger Corporation shall expressly include a specific cap on the amount of the contractual duty, which amount shall not exceed $200 million without prior legislative approval, and the department to purchase liability insurance and
establish a self-insurance retention fund in the amount of the specific cap established under this subparagraph, provided that:

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

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

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

(b) Purchase liability insurance, which amount shall not exceed $200 million, and establish a self-insurance retention fund for the purpose of paying the deductible limit established in the insurance policies it may obtain, including coverage for the department, any freight rail operator as described in paragraph (a), National Railroad Passenger Corporation, commuter rail service providers, governmental entities, or any ancillary development, which self-insurance retention fund or deductible
shall not exceed $10 million. The insureds shall pay a reasonable monetary contribution to the cost of such liability coverage for the sole benefit of the insured. Such insurance and self-insurance retention fund may provide coverage for all damages, including, but not limited to, compensatory, special, and exemplary, and be maintained to provide an adequate fund to cover claims and liabilities for loss, injury, or damage arising out of or connected with the ownership, operation, maintenance, and management of a rail corridor.

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

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

Neither the assumption by contract to protect, defend, indemnify, and hold harmless; the purchase of insurance; nor the establishment of a self-insurance retention fund shall be deemed to be a waiver of any defense of sovereign immunity for torts nor deemed to increase the limits of the department's or the governmental entity's liability for torts as provided in s.
768.28. The requirements of s. 287.022(1) shall not apply to the purchase of any insurance under this subsection. The provisions of this subsection shall apply and inure fully as to any other governmental entity providing commuter rail service and constructing, operating, maintaining, or managing a rail corridor on publicly owned right-of-way under contract by the governmental entity with the department or a governmental entity designated by the department. Notwithstanding any law to the contrary, procurement for the construction, operation, maintenance, and management of any rail corridor described in this subsection, whether by the department, a governmental entity under contract with the department, or a governmental entity designated by the department, shall be pursuant to s. 287.057 and shall include, but not be limited to, criteria for the consideration of qualifications, technical aspects of the proposal, and price. Further, any such contract for design-build shall be procured pursuant to the criteria in s. 337.11(7).

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

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

341.303 Funding authorization and appropriations;
eligibility and participation.—
(5) FUND PARTICIPATION; STATEWIDE ALTERNATIVE TRANSPORTATION AUTHORITY  FLORIDA RAIL ENTERPRISE.—The department, through the Statewide Alternative Transportation Authority, shall Florida Rail Enterprise, is authorized to use funds provided pursuant to s. 201.15(4)(a)4.b. in a county to fund the design and construction of an alternative transportation system, as defined in s. 341.8203, for passengers, based on a proposal by the county which is approved by the authority as consistent with the requirements of this subsection. Any contracts entered into by the Florida Rail Enterprise must remain with the authority.

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

(b) A county proposing the use of funds for the purposes of this subsection must submit a request to the authority which includes a detailed project and financial plan up to 100 percent of planning and development costs related to the provision of a passenger rail system, including, but not limited to, preliminary engineering, revenue studies, environmental impact studies, financial advisory services, engineering design, and
other appropriate professional services.

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

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

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

(6) STATEWIDE ALTERNATIVE TRANSPORTATION AUTHORITY FLORIDA RAIL ENTERPRISE; BUDGET.—

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

(b) Notwithstanding the provisions of s. 216.301 to the contrary and in accordance with s. 216.351, the Executive Office of the Governor shall, on July 1 of each year, certify forward all unexpended funds appropriated or provided pursuant to this
section for the authority enterprise. Of the unexpended funds certified forward, any unencumbered amounts shall be carried forward. Such funds carried forward shall not exceed 5 percent of the original approved operating budget of the authority enterprise pursuant to s. 216.181(1). Funds carried forward pursuant to this section may be used for any lawful purpose, including, but not limited to, promotional and market activities, technology, and training. Any certified-forward funds remaining undisbursed on September 30 of each year shall be carried forward.

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

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

Section 6. 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) "Alternative transportation system" means a system of physical infrastructure, appurtenances, and technology designed to move the greatest number of people in the least amount of time. The term does not include the traditional use of a roadway system for conveyance, but the term may include, without limitation, a high-speed rail system.
(2) "Alternative transportation system station" means any structure or transportation facility that is part of an alternative transportation system designed to accommodate the movement of passengers from one mode of transportation to another, at which passengers board or disembark from transportation conveyances and transfer from one mode of transportation to another.

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

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

(5)(2) "Communication facilities" means the communication systems related to the operation of an alternative transportation system for passengers high-speed passenger rail operations, including those that are built, installed,
used, or established for the planning, building, managing, and operating of an alternative transportation high-speed rail system. The term includes the land; structures; improvements; rights-of-way; easements; positive train control systems; wireless communication towers and facilities that are designed to provide voice and data services for the safe and efficient operation of an alternative transportation high-speed rail system; voice, data, and wireless communication amenities made available to crew and passengers as part of an alternative transportation high-speed rail service; and any other facilities or equipment used for operation of, or the facilitation of communications for, an alternative transportation high-speed rail system. Owners of communication facilities may not offer voice or data service to any entity other than passengers, crew, or other persons involved in the operation of an alternative transportation high-speed rail system.

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

(6)(4) "High-speed rail system" means any high-speed fixed guideway system for transporting people or goods, which system is, by definition of the United States Department of Transportation, reasonably expected to reach speeds of at least 110 miles per hour, including, but not limited to, a monorail system, dual track rail system, suspended rail system, magnetic levitation system, pneumatic repulsion system, or other system
approved by the authority enterprise. The term includes a corridor, associated intermodal connectors, and structures essential to the operation of the line, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, switches, yards, parking facilities, power relays, switching houses, and alternative transportation system rail stations and also includes facilities or equipment used exclusively for the purposes of design, construction, operation, maintenance, or the financing of the high-speed rail system.

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

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

(7) "Railroad company" means a person developing, or providing service on, a high-speed rail system.
(8) "Selected person or entity" means the person or entity
to whom the authority enterprise
awards a contract to establish
an alternative transportation a high-speed rail system pursuant
to ss. 341.8201-341.842.

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

341.822  Powers and duties.—
(1) The authority enterprise shall locate, plan, design,
finance, construct, maintain, own, operate, administer, and
manage the alternative transportation high-speed rail system in
the state.

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

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

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

(3) The authority enterprise shall have the authority to employ procurement methods available to the department under chapters 255, 287, 334, and 337, or otherwise in accordance with law. The authority enterprise may also solicit proposals and,
with legislative approval as evidenced by approval of the project in the department's work program, enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of the alternative transportation high-speed rail system.

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

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

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

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

341.825 Communication facilities.—

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

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

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

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

(a) The location of the proposed communication facilities.

(b) A description of the proposed communication facilities.

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

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

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

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

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

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

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

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

(4) EFFECT OF PERMIT.—

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

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

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

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

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

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

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

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

341.836 Associated development.—

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

(2) Sections 341.8201-341.842 do not prohibit the authority enterprise, the selected person or entity, or a party to a joint venture with the authority enterprise or its selected person or entity from obtaining approval, pursuant to any other law, for any associated development that is reasonably related to the alternative transportation high-speed rail system.
Section 10. Section 341.838, Florida Statutes, is amended to read:

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

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

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

Section 11. Section 341.839, Florida Statutes, is amended
Alternate means.—Sections 341.8201-341.842 provide an additional and alternative method for accomplishing the purposes authorized therein and are supplemental and additional to powers conferred by other laws. Except as otherwise expressly provided in ss. 341.8201-341.842, none of the powers granted to the authority enterprise under ss. 341.8201-341.842 are subject to the supervision or require the approval or consent of any municipality or political subdivision or any commission, board, body, bureau, or official.

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

341.840 Tax exemption.—

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

(2)(a) For the purposes of this section, the term "authority enterprise" does not include agents of the authority enterprise other than contractors who qualify as such pursuant
(b) For the purposes of this section, any item or property that is within the definition of the term "associated development" in s. 341.8203 may not be considered part of the alternative transportation high-speed rail system as defined in s. 341.8203.

(3)(a) Purchases or leases of tangible personal property or real property by the authority enterprise, excluding agents of the authority enterprise, are exempt from taxes imposed by chapter 212 as provided in s. 212.08(6). Purchases or leases of tangible personal property that is incorporated into the alternative transportation high-speed rail system as a component thereof, as determined by the authority enterprise, by agents of the authority enterprise or by the owner of the alternative transportation high-speed rail system are exempt from sales or use taxes imposed by chapter 212. Leases, rentals, or licenses to use real property granted to agents of the authority enterprise or the owner of the alternative transportation high-speed rail system are exempt from taxes imposed by s. 212.031 if the real property becomes part of such system. The exemptions granted in this subsection do not apply to sales, leases, or licenses by the authority enterprise, agents of the authority enterprise, or the owner of the alternative transportation high-speed rail system.

(b) The exemption granted in paragraph (a) to purchases or
leases of tangible personal property by agents of the authority enterprise or by the owner of the alternative transportation high-speed rail system applies only to property that becomes a component part of such system. It does not apply to items including, but not limited to, cranes, bulldozers, forklifts, other machinery and equipment, tools and supplies, or other items of tangible personal property used in the construction, operation, or maintenance of the alternative transportation high-speed rail system when such items are not incorporated into the alternative transportation high-speed rail system as a component part thereof.

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

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

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

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

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

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

3. The authority enterprise shall review each submitted
application and determine whether it is complete. The authority shall notify the applicant of any deficiencies in the application within 30 days. Upon receipt of a completed application, the authority shall evaluate the application for exemption under this subsection and issue a certification that the contractor is qualified to act as an agent of the authority for purposes of this section or a denial of such certification within 30 days. The authority shall provide the Department of Revenue with a copy of each certification issued upon approval of an application. Upon receipt of a certification from the authority, the Department of Revenue shall issue an exemption permit to the contractor.

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

2. The contractor may extend a copy of its exemption permit to real property subcontractors supplying and installing tangible personal property that is exempt under subsection (3). Any such subcontractor may extend a copy of the permit to the
subcontractor's vendors in order to purchase qualifying tangible personal property tax-exempt. If the subcontractor uses the exemption permit to purchase tangible personal property that is determined not to qualify for exemption under subsection (3), the Department of Revenue may assess and collect any tax, penalties, and interest that are due from either the contractor holding the exemption permit or the subcontractor that extended the exemption permit to the seller.

(d) Any contractor authorized to act as an agent of the authority enterprise under this section shall maintain the necessary books and records to document the exempt status of purchases and fabrication costs made or incurred under the permit. In addition, an authorized contractor extending its exemption permit to its subcontractors shall maintain a copy of the subcontractor's books, records, and invoices indicating all purchases made by the subcontractor under the authorized contractor's permit. If, in an audit conducted by the Department of Revenue, it is determined that tangible personal property purchased or fabricated claiming exemption under this section does not meet the criteria for exemption, the amount of taxes not paid at the time of purchase or fabrication shall be immediately due and payable to the Department of Revenue, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by chapter 212.
(e) If a contractor fails to apply for an alternative transportation high-speed rail system exemption permit, or if a contractor initially determined by the authority enterprise to not qualify for exemption is subsequently determined to be eligible, the contractor shall receive the benefit of the exemption in this subsection through a refund of previously paid taxes for transactions that otherwise would have been exempt. A refund may not be made for such taxes without the issuance of a certification by the authority enterprise that the contractor was authorized to make purchases tax-exempt and a determination by the Department of Revenue that the purchases qualified for the exemption.

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

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

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

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

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

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