

By the Committee on Natural Resources and Senators Sullivan, Crist, Lee, Diaz-Balart, Williams, Holzendorf, Kirkpatrick, Bronson, Brown-Waite, Forman, Harris, Ostalkiewicz, Klein, Thomas, McKay, Grant, Clary and Myers

312-2213-98

1                                   A bill to be entitled  
2           An act relating to greenways and trails;  
3           providing purposes; amending s. 110.501, F.S.;  
4           revising the definition of "volunteer" to  
5           include persons who consent to certain use of  
6           real property; amending s. 260.012, F.S.;  
7           revising declaration of policy and legislative  
8           intent relating to the "Florida Greenways and  
9           Trails Act"; creating s. 260.0125, F.S.;  
10          providing rights and benefits of landowners  
11          whose lands are designated as greenways or  
12          trails; requiring the Department of  
13          Environmental Protection to post certain  
14          notices of trespass; providing for penalties;  
15          amending s. 260.013, F.S.; revising  
16          definitions; amending s. 260.014, F.S.;  
17          requiring the landowner's specific written  
18          consent for designation of lands as a part of  
19          the statewide system of greenways and trails;  
20          amending ss. 260.0141 and 260.018, F.S.;  
21          restricting certain construction or use of  
22          planning materials; amending s. 260.016, F.S.,  
23          relating to powers of the department; providing  
24          for rules; providing penalties; providing for  
25          fees; providing for a process for designation  
26          of lands as a part of the state system of  
27          greenways and trails; authorizing negotiations  
28          with private landowners; authorizing incentives  
29          for certain landowners; directing the  
30          Department of Environmental Protection to erect  
31          a suitable memorial to Marjorie Harris Carr on

1 the Cross Florida Greenways State Recreation  
2 Area; amending s. 259.041, F.S.; authorizing  
3 the Division of State Lands to use appraisals  
4 provided by a public agency or nonprofit  
5 organization; amending s. 259.101, F.S.;  
6 revising the date that certain unencumbered  
7 funds in the Preservation 2000 Trust Fund will  
8 be redistributed; providing for the sale of  
9 specified lands by the Board of Trustees of the  
10 Internal Improvement Trust Fund; providing for  
11 the deposit of funds from the sale; providing  
12 an effective date.

13

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

15

16 Section 1. The purpose of this act is to encourage  
17 private landowners to make their lands available to the public  
18 as part of the statewide system of designated greenways and  
19 trails by:

20 (1) Limiting the landowner's liability to persons  
21 going on such land and to third persons who may be damaged by  
22 the acts or omissions of persons going on such land; and

23 (2) Providing the landowner other positive incentives  
24 in accordance with section 260.016(3), Florida Statutes.

25 Section 2. Subsection (1) of section 110.501, Florida  
26 Statutes, is amended to read:

27 110.501 Definitions.--As used in this act:

28 (1) "Volunteer" means any person who, of his or her  
29 own free will, provides goods or services, or conveys an  
30 interest in or otherwise consents to the use of real property  
31 pursuant to ss. 260.011-260.018, to any state department or

1 agency, or nonprofit organization, with no monetary or  
2 material compensation. A person registered and serving in  
3 Older American Volunteer Programs authorized by the Domestic  
4 Volunteer Service Act of 1973, as amended (Pub. L. No.  
5 93-113), shall also be defined as a volunteer and shall incur  
6 no civil liability as provided by s. 768.1355. A volunteer  
7 shall be eligible for payment of volunteer benefits as  
8 specified in Pub. L. No. 93-113, this section, and s. 430.204.

9 Section 3. Section 260.012, Florida Statutes, is  
10 amended to read:

11 260.012 Declaration of policy and legislative  
12 intent.--

13 (1) In order to recognize the benefits ~~provide the~~  
14 ~~public with access to the use, enjoyment, and appreciation of~~  
15 the outdoor areas of Florida, and in order to conserve,  
16 develop, and use the natural resources of this state for  
17 healthful and recreational purposes, it is declared to be the  
18 public policy of this state and the purpose of ss.  
19 260.011-260.018 to provide the means and procedures for  
20 establishing and expanding a statewide system of greenways and  
21 trails for recreational and conservation purposes which shall  
22 be designated as the "Florida Greenways and Trails System."  
23 The standards by which the greenways and trails system shall  
24 be acquired, designated, administered, maintained, used, and  
25 expanded shall be consistent with the provisions of ss.  
26 260.011-260.018. It is the intent of the Legislature that  
27 these greenways and trails will serve to implement the  
28 concepts of ecosystems management while providing, where  
29 appropriate, recreational opportunities, including, but not  
30 limited to, horseback riding, hiking, bicycling, canoeing,  
31

1 jogging, and historical and archeological interpretation,  
2 thereby improving the health and welfare of the people.

3 (2) It is the intent of the Legislature that a  
4 statewide system of greenways and trails be established to  
5 provide open space benefiting environmentally sensitive lands  
6 and wildlife and providing people with access to healthful  
7 outdoor activities. It is also the intent of the Legislature  
8 to acquire or designate lands to facilitate the establishment  
9 of a statewide system of greenways and trails; to encourage  
10 the multiple use of public rights-of-way and use to the  
11 fullest extent existing and future scenic roads, highways,  
12 park roads, parkways, greenways, trails, and national  
13 recreational trails; to encourage the development of greenways  
14 and trails by counties, cities, and special districts and to  
15 assist in such development by any means available; to  
16 coordinate greenway and trail plans and development by local  
17 governments with one another and with the state government and  
18 Federal Government; ~~and~~ to encourage, whenever possible, the  
19 development of greenways and trails on federal lands by the  
20 Federal Government; and to encourage the owners of private  
21 lands to protect the existing ecological, historical, and  
22 cultural values of their lands, including those values derived  
23 from working landscapes.

24 (3) It is the intent of the Legislature that  
25 designated greenways and trails be located on public lands  
26 and, subject to the written agreement of the private  
27 landowner, on private lands. Designated greenways and trails  
28 located on public or private lands may or may not provide  
29 public access, as agreed by the department or the landowner,  
30 respectively.

31

1           (4) It is the intent of the Legislature that  
2 information produced for the purpose of the identification of  
3 lands, both public and private, that are suitable for  
4 greenways and trails be used only for the purposes of:

5           (a) Setting priorities for acquisition, planning, and  
6 management of public lands for use as greenways and trails;  
7 and

8           (b) Identification of private lands that are eligible  
9 for designation as part of the greenways and trails system and  
10 are thereby eligible for incentives.

11           ~~(5)(3)~~ The planning, development, operation, and  
12 maintenance of the Florida Greenways and Trails System  
13 authorized by ss. 260.011-260.018 is declared to be a public  
14 purpose, and the Department of Environmental Protection,  
15 together with other ~~governments~~ and agencies of this state and  
16 all counties, municipalities, and special districts of this  
17 state, is authorized to spend public funds for such purposes  
18 and to accept gifts and grants of funds, property, or property  
19 rights from public or private sources to be used for such  
20 purposes.

21           ~~(4) The provisions of s. 375.251 relating to the~~  
22 ~~liability of persons making lands available for outdoor~~  
23 ~~recreational purposes shall be applicable to ss.~~  
24 ~~260.011-260.018.~~

25           ~~(6)(5)~~ It is the intent of the Legislature to  
26 officially recognize the Florida National Scenic Trail as  
27 Florida's official statewide trail from the Florida Panhandle  
28 to the Everglades. It is also the intent of the Legislature  
29 to encourage all state, regional, and local agencies who  
30 acquire lands to include in their land-buying efforts the  
31 acquisition of sufficient legal interest in the lands over

1 which the trail passes to ensure its continued existence in a  
2 permanent location.

3 Section 4. Section 260.0125, Florida Statutes, is  
4 created to read:

5 260.0125 Limitation on liability of private landowners  
6 whose property is designated as part of the statewide system  
7 of greenways and trails.--

8 (1)(a) A private landowner whose land is designated as  
9 part of the statewide system of greenways and trails pursuant  
10 to s. 260.016(2)(d), including a person holding a subservient  
11 interest, owes no duty of care to keep that land safe for  
12 entry or use by others or to give warning to persons entering  
13 that land of any hazardous conditions, structures, or  
14 activities thereon. Such landowner shall not:

15 1. Be presumed to extend any assurance that such land  
16 is safe for any purpose;

17 2. Incur any duty of care toward a person who goes on  
18 the land; or

19 3. Become liable or responsible for any injury to  
20 persons or property caused by the act or omission of a person  
21 who goes on the land.

22 (b) The provisions of paragraph (a) apply whether the  
23 person going on the designated greenway or trail is an  
24 invitee, licensee, trespasser, or otherwise.

25 (2) Any private landowner who consents to designation  
26 of his or her land as part of the statewide system of  
27 greenways and trails pursuant to s. 260.016(2)(d) without  
28 compensation shall be considered a volunteer, as defined in s.  
29 110.501, and shall be covered by state liability protection  
30 pursuant to s. 768.28, including s. 768.28(9).

31

1           (3)(a) The provisions of subsection (1) shall not  
2 apply if there is any charge made or usually made by the  
3 landowner for entering or using the land designated as a  
4 greenway or trail, or any part thereof, or if any commercial  
5 or other activity whereby profit is derived by the landowner  
6 from the patronage of the general public is conducted on the  
7 land so designated or any part thereof.

8           (b) Incentives granted by any unit of government to  
9 the private landowner, including tax incentives, grants, or  
10 other financial consideration specific to the development or  
11 management of designated greenways and trails, shall not be  
12 construed as a charge for use or profit derived from patronage  
13 for purposes of this subsection and shall not be construed as  
14 monetary or material compensation for purposes of subsection  
15 (2).

16           (4) The provisions of subsection (1) shall also apply  
17 to adjacent land owned by the private landowner who consents  
18 to designation of a greenway or trail where such adjacent land  
19 is accessed through the land so designated.

20           (5)(a) When a private landowner agrees to make his or  
21 her land available for public use as a designated greenway or  
22 trail, the department or its designee shall post notices along  
23 the boundary of the designated greenway or trail which inform  
24 the public that the land adjacent to the greenway or trail is  
25 private property upon which unauthorized entry for any purpose  
26 is prohibited and constitutes trespassing.

27           (b) Such notices must comply with s. 810.011(5) and  
28 shall constitute a warning to unauthorized persons to remain  
29 off the private property and not to depart from the designated  
30 greenway or trail. Any person who commits such an unauthorized  
31 entry commits a trespass as provided in s. 810.09.

1           (6) If agreed to by the department and the landowner  
2 in the designation agreement, a landowner whose land is  
3 designated as part of the statewide system of greenways and  
4 trails pursuant to s. 260.016(2)(d) shall be indemnified for:

5           (a) Any injury or damage incurred by a third party  
6 arising out of the use of the designated greenway or trail;

7           (b) Any injury or damage incurred by a third party on  
8 lands adjacent to and accessed through the designated greenway  
9 or trail; and

10           (c) Any damage to the landowner's property, including  
11 land adjacent to and accessed through the designated greenway  
12 or trail, caused by the act or omission of a third person  
13 resulting from any use of the land so designated.

14           (7) This section does not relieve any person of  
15 liability that would otherwise exist for deliberate, willful,  
16 or malicious injury to persons or property. The provisions of  
17 this section shall not be deemed to create or increase the  
18 liability of any person.

19           Section 5. Section 260.013, Florida Statutes, is  
20 amended to read:

21           260.013 Definitions.--As used in ss. 260.011-260.018,  
22 unless the context otherwise requires:

23           (1)~~(4)~~ "Board" means the Board of Trustees of the  
24 Internal Improvement Trust Fund.

25           (2)~~(3)~~ "Department" means the Department of  
26 Environmental Protection.

27           (3) "Designation" means the identification and  
28 inclusion of specific lands as part of the statewide system of  
29 greenways and trails pursuant to a formal public process,  
30 including the specific written consent of the landowner. When  
31 the department determines that public access is appropriate



1 for greenways and trails, written authorization must be  
2 granted by the landowner to the department permitting public  
3 access to all or a specified part of the landowner's property.  
4 The department's determination shall be noticed pursuant to s.  
5 120.525, and the department shall also notify the landowner by  
6 certified mail at least 7 days before any public meeting  
7 regarding the intent to designate.

8 (4)(2) "Greenway" means a linear open space  
9 established along either a natural corridor, such as a  
10 riverfront, stream valley, or ridgeline, or over land along a  
11 railroad right-of-way converted to recreational use, a canal,  
12 a scenic road, or other route; any natural or landscaped  
13 course for pedestrian or bicycle passage; an open space  
14 connector linking parks, nature reserves, cultural features,  
15 or historic sites with each other and populated areas; or a  
16 local strip or linear park designated as a parkway or  
17 greenbelt.

18 (5)(1) "Trails" means linear corridors and any  
19 adjacent support parcels on land or water providing public  
20 access for recreation or authorized alternative modes of  
21 transportation.

22 Section 6. Section 260.014, Florida Statutes, is  
23 amended to read:

24 260.014 Florida Greenways and Trails System.--The  
25 Florida Greenways and Trails System shall be a statewide  
26 system of greenways and trails which shall consist of  
27 individual greenways and trails and networks of greenways and  
28 trails which may be designated as a part of the statewide  
29 system by the department. Mapping or other forms of  
30 identification of lands as suitable for inclusion in the  
31 system of greenways and trails, mapping of ecological

1 characteristics for any purpose, or development of information  
2 for planning purposes shall not constitute designation. No  
3 lands may be designated as a part of the statewide system of  
4 greenways and trails without the specific written consent of  
5 the landowner.

6 Section 7. Section 260.0141, Florida Statutes, is  
7 amended to read:

8 260.0141 Greenways and Trails Program.--There is  
9 established within the department the "Florida Greenways and  
10 Trails Program," the purpose of which is to facilitate the  
11 establishment of a statewide system of greenways and trails.  
12 Such greenways and trails shall be acquired pursuant to this  
13 act. Planning materials, maps, data, and other information  
14 developed or used in the program shall not be construed as  
15 designation of lands as part of the statewide system of  
16 greenways and trails. Identification of lands in such  
17 information shall not:

18 (1) Require or empower any unit of local or regional  
19 government, or any state agency, to impose additional or more  
20 restrictive environmental, land-use, or zoning regulations;

21 (2) Be construed or cited as authority to adopt,  
22 enforce, or amend any environmental rule or regulation;  
23 comprehensive plan goals, policies, or objectives; or zoning  
24 or land-use ordinance;

25 (3) Be used as the basis for permit denial; imposition  
26 of any permit condition; or application of any rule,  
27 regulation, or ordinance by any subdivision of local,  
28 regional, or state government; or

29 (4) Be construed or cited as authority by any  
30 governmental agency to reduce or restrict the rights of owners  
31 of lands so identified.

1           Section 8. Section 260.016, Florida Statutes, is  
2 amended to read:

3           260.016 General powers of the department.--

4           (1) The department may:

5           (a) Publish and distribute appropriate maps of  
6 designated greenways and trails. The description shall include  
7 a generalized map delineating the area designated, location of  
8 suitable ingress and egress sites, as well as other points of  
9 interest to enhance the recreational opportunities of the  
10 public.

11           (b) Establish access routes and related public-use  
12 facilities along greenways and trails which will not  
13 substantially interfere with the nature and purposes of the  
14 greenway or trail.

15           (c) Adopt appropriate rules to implement or interpret  
16 this act and portions of chapter 253 relating to greenways and  
17 trails, which may include, but are not limited to, rules for  
18 the following:

19           1. Establishing a designation process.

20           2. Negotiating and executing agreements with private  
21 landowners.

22           3. Establishing prohibited activities or restrictions  
23 on activities to protect the health, safety, and welfare of  
24 the public.

25           4. Charging fees for use.

26           5. Providing public access.

27           6. Providing for maintenance.

28           7. Any matter necessary to the evaluation, selection,  
29 operation, and maintenance of greenways and trails.

30  
31

1 Any person who violates or otherwise fails to comply with the  
2 rules adopted pursuant to subparagraph 3. commits a  
3 noncriminal infraction for which a fine of up to \$500 may be  
4 imposed.

5 ~~(c) Adopt appropriate rules for the use of greenways~~  
6 ~~and trails.~~

7 (d) Coordinate the activities of all governmental  
8 units and bodies and special districts that desire to  
9 participate in the development of the Florida Greenways and  
10 Trails System.

11 (e) Appoint an advisory body to be known as the  
12 "Florida Recreational Trails Council" which shall advise the  
13 department in the execution of its powers and duties under  
14 this chapter. The department may establish by rule the  
15 duties, structure, and responsibilities of the council.  
16 Members of the Florida Recreational Trails Council shall serve  
17 without compensation, but are entitled to be reimbursed for  
18 per diem and travel expenses as provided in s. 112.061.

19 (f) Establish, develop, and publicize saltwater  
20 paddling trails in a manner that will permit public recreation  
21 without damaging natural resources. The Big Bend Historic  
22 Saltwater Paddling Trail from the St. Marks River to the  
23 Suwannee River is hereby designated as part of the Florida  
24 Greenways and Trails System. Additions to this trail may be  
25 added by the department from time to time as part of a  
26 statewide saltwater circumnavigation trail.

27 (g) Enter into sublease agreements or other use  
28 agreements with local governmental agencies for the management  
29 of greenways and trails for recreation and conservation  
30 purposes consistent with the intent of this chapter.

31

1           (h) Enter into management agreements with other  
2 entities only if a federal agency, another state agency, local  
3 government, county, or municipality is unable to manage the  
4 greenways or trails lands. Such entities must demonstrate  
5 their capabilities of management for the purposes defined in  
6 ss. 260.011-260.018.

7           (i) Charge reasonable fees or rentals for the use or  
8 operation of facilities and concessions. All such fees,  
9 rentals, or other charges collected shall be deposited in the  
10 account or trust fund of the managing entity. All such fees,  
11 rentals, or other charges collected by the Division of  
12 Recreation and Parks under this paragraph shall be deposited  
13 in the State Park Trust Fund pursuant to s. 258.014.

14           (2) The department shall:

15           (a) Evaluate lands for the acquisition of greenways  
16 and trails and compile a list of suitable corridors,  
17 greenways, and trails, ranking them in order of priority for  
18 proposed acquisition. The department shall devise a method of  
19 evaluation which includes, but is not limited to, the  
20 consideration of:

21           1. The importance and function of such corridors  
22 within the statewide system.

23           2. Potential for local sharing in the acquisition,  
24 development, operation, or maintenance of greenway and trail  
25 corridors.

26           3. Costs of acquisition, development, operation, and  
27 maintenance.

28           (b) Maintain an updated list of abandoned and  
29 to-be-abandoned railroad rights-of-way. The department shall  
30 request information on current and potential railroad  
31 abandonments from the Department of Transportation, ~~the~~

1 ~~Interstate Commerce Commission~~, and railroad companies  
2 operating within the state. At a minimum, the department  
3 shall make such requests on a quarterly basis.

4 (c) Provide information to public and private agencies  
5 and organizations on abandoned rail corridors which are or  
6 will be available for acquisition from the railroads or for  
7 lease for interim recreational use from the Department of  
8 Transportation. Such information shall include, at a minimum,  
9 probable costs of purchase or lease of the identified  
10 corridors.

11 (d) Develop and implement a process for designation of  
12 lands as a part of the statewide system of greenways and  
13 trails, which shall include:

14 1. Development and dissemination of criteria for  
15 designation.

16 2. Development and dissemination of criteria for  
17 changes in the terms or conditions of designation, including  
18 withdrawal or termination of designation. A landowner may have  
19 his or her property removed from designation by providing the  
20 department with a written request that contains an adequate  
21 description of such lands to be removed. Provisions shall be  
22 made in the designation agreement for disposition of any  
23 future improvements made to the land by the department.

24 3. Compilation of available information on and field  
25 verification of the characteristics of the lands as they  
26 relate to the developed criteria.

27 4. Public notice pursuant to s. 120.525 in all phases  
28 of the process.

29 5. Actual notice to the landowner by certified mail at  
30 least 7 days before any public meeting regarding the  
31 department's intent to designate.

1           6. Written authorization from the landowner in the  
2 form of a lease or other instrument for the designation and  
3 granting of public access, if appropriate, to a landowner's  
4 property.

5           7. Development of a greenway or trail-use plan as a  
6 part of the designation agreement. In any particular segment  
7 of a greenway or trail, the plan components must be compatible  
8 with connecting segments and, at a minimum, describe the types  
9 and intensities of uses of the property.

10           (3) The department or its designee is authorized to  
11 negotiate with potentially affected private landowners as to  
12 the terms under which such landowners would consent to the  
13 public use of their lands as part of the greenways and trails  
14 system. The department shall be authorized to agree to  
15 incentives for a private landowner who consents to this public  
16 use of his or her lands for conservation or recreational  
17 purposes, including, but not limited to, the following:

18           (a) Retention by the landowner of certain specific  
19 rights in his or her lands, including, but not limited to, the  
20 right to farm, hunt, graze, harvest timber, or use the lands  
21 for other purposes which are consistent with use as greenways  
22 or trails.

23           (b) Agreement to exchange, subject to the approval of  
24 the Board of Trustees of the Internal Improvement Trust Fund  
25 or other applicable unit of government, ownership or other  
26 rights of use of public lands for the ownership or other  
27 rights of use of privately owned property. Any exchange of  
28 state-owned lands, title to which is vested in the Board of  
29 Trustees of the Internal Improvement Trust Fund, for privately  
30 owned lands shall be subject to the requirements of s.  
31 259.041.

1           (c) Contracting with the landowner to provide  
2 management or other services on the lands.

3           (d) At the option of the landowner, acceleration of  
4 the acquisition process or higher consideration in the ranking  
5 process when any lands owed by the landowner are under  
6 consideration for acquisition by the state or other unit of  
7 government.

8           (e) At the option of the landowner, removal of any  
9 lands owned by the landowner from consideration for acquisition  
10 by the state or other unit of government.

11           (f) Execution of patrol and protection agreements.

12           (g) Where applicable and appropriate, providing lease  
13 fees, not to exceed fair market value of the leasehold  
14 interest.

15           Section 9. Section 260.018, Florida Statutes, is  
16 amended to read:

17           260.018 Agency recognition.--All agencies of the  
18 state, regional planning councils through their comprehensive  
19 plans, and local governments through their local comprehensive  
20 planning process pursuant to chapter 163 shall recognize the  
21 special character of publicly owned ~~the~~ lands and waters  
22 designated by the state as greenways and trails and shall not  
23 take any action which will impair their use as designated.  
24 Identification of lands in planning materials, maps, data, and  
25 other information developed or used in the greenways and  
26 trails program shall not be cause for such lands to be subject  
27 to this section, unless such lands have been designated as a  
28 part of the statewide system or greenways and trails pursuant  
29 to s. 260.016(2)(d).

30           Section 10. The Legislature finds that Marjorie Harris  
31 Carr was the prime mobilizer and motivator in stopping the



1 construction of and deauthorizing the Cross Florida Barge  
2 Canal and in large part brought about the creation of the  
3 Cross Florida Greenways State Recreation and Conservation  
4 Area, and that the Cross Florida Greenways State Recreation  
5 and Conservation Area is managed for recreational enjoyment  
6 and conservation of unique natural resources, community  
7 economic development, and as the focus for a statewide system  
8 of greenways and trails. The Legislature further finds that  
9 Marjorie Harris Carr should be forever enshrined in the  
10 memories of the people of Florida by the dedication of the  
11 Cross Florida Greenways State Recreation and Conservation Area  
12 in her name, in small part to commemorate the outstanding  
13 contributions of Marjorie Harris Carr to the State of Florida  
14 and to honor her tireless efforts to restore the Ocklawaha  
15 River.

16       Section 11. The Department of Environmental Protection  
17 shall honor Marjorie Harris Carr by the erection of a suitable  
18 memorial to her on the site of the Cross Florida Greenways  
19 State Recreation Area.

20       Section 12. Paragraph (f) is added to subsection (7)  
21 of section 259.041, Florida Statutes, to read:

22       259.041 Acquisition of state-owned lands for  
23 preservation, conservation, and recreation purposes.--

24       (7) Prior to approval by the board of trustees or,  
25 when applicable, the Department of Environmental Protection,  
26 of any agreement to purchase land pursuant to this chapter,  
27 chapter 260, or chapter 375, and prior to negotiations with  
28 the parcel owner to purchase any other land, title to which  
29 will vest in the board of trustees, an appraisal of the parcel  
30 shall be required as follows:

31

1           (f) The Division of State Lands may use, as its own,  
2 appraisals obtained by a public agency or nonprofit  
3 organization, provided that the appraiser is selected from the  
4 division's list of appraisers and the appraisal is reviewed  
5 and approved by the division. For the purposes of this  
6 chapter, the term "nonprofit organization" means an  
7 organization whose purposes include the preservation of  
8 natural resources and which is exempt from federal income tax  
9 under s. 501(c)(3) of the Internal Revenue Code.

10           Section 13. Paragraph (f) of subsection (9) of section  
11 259.101, Florida Statutes, is amended to read:

12           259.101 Florida Preservation 2000 Act.--

13           (9)

14           (f)1. Pursuant to subsection (3) and beginning in  
15 fiscal year 1999-2000 ~~1998-1999~~, that portion of the  
16 unencumbered balances of each program described in paragraphs  
17 (3)(c), (d), (e), (f), and (g) which has been on deposit in  
18 such program's Preservation 2000 account for more than two  
19 fiscal years shall be redistributed equally to the  
20 Conservation and Recreation Lands Trust Fund and the Water  
21 Management Lands Trust Fund. For the purposes of this  
22 subsection, the term "unencumbered balances" means the portion  
23 of Preservation 2000 bond proceeds which is not obligated  
24 through the signing of a purchase contract between a public  
25 agency and a private landowner, except that the program  
26 described in paragraph (3)(c) may not lose any portion of its  
27 unencumbered funds which remain unobligated because of  
28 extraordinary circumstances that hampered the affected local  
29 governments' abilities to close on land acquisition projects  
30 approved through the Florida Communities Trust program.  
31 Extraordinary circumstances shall be determined by the Florida

1 Communities Trust governing body and may include such things  
2 as death or bankruptcy of the owner of property; a change in  
3 the land use designation of the property; natural disasters  
4 that affected a local government's ability to consummate the  
5 sales contract on such property; or any other condition that  
6 the Florida Communities Trust governing board determined to be  
7 extraordinary. The portion of the funds deposited in the Water  
8 Management Lands Trust Fund shall be distributed to the water  
9 management districts as provided in s. 373.59(7).

10 2. The department and the water management districts  
11 may enter into joint acquisition agreements to jointly fund  
12 the purchase of lands using alternatives to fee simple  
13 techniques.

14 Section 14. (1) Notwithstanding chapters 253 and 259,  
15 Florida Statutes, the Board of Trustees of the Internal  
16 Improvement Trust Fund may under chapters 93-184 and 95-275,  
17 Laws of Florida, convey the lands located in Walton County  
18 specifically identified as the New Town, consistent with the  
19 Walton County Comprehensive Plan, to Walton County at a price  
20 not to exceed the price paid by the board for the lands plus  
21 any applicable interest, if the disposition of the land would  
22 not have the effect of causing all or any portion of the  
23 interest on any revenue bonds issued to fund the Florida  
24 Preservation 2000 Trust Act to lose their exclusion from gross  
25 income for purposes of federal income taxation. Any revenue  
26 derived from the disposal of the lands may not be used for any  
27 purpose except for deposit into the Florida Preservation 2000  
28 Trust Fund for recredit to the share held under section  
29 259.101(3), Florida Statutes, in which the disposed of land is  
30 described.

31

1           (2) The New Town Center shall be developed consistent  
2 with the October 31, 1996, South Walton New Town Master Plan  
3 of Development, incorporated in its entirety into the Walton  
4 County Comprehensive Plan and Land Development Code.

5           (3) If any lands acquired by Walton County pursuant to  
6 subsection (1) are resold to private interests, they must be  
7 sold at fair market value and the proceeds from such resale  
8 must be used exclusively for development of the New Town  
9 Center, including its infrastructure and related school  
10 facilities.

11           Section 15. This act shall take effect July 1, 1998.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 SB 1396

4 Provisions are added to recognize Marjorie Harris Carr for her  
5 efforts to stop the construction of the Cross Florida Barge  
6 Canal and to create the Cross Florida Greenway State  
7 Recreation and Conservation Area. The Department of  
8 Environmental Protection is directed to erect a suitable  
9 memorial to her on the site of the Cross Florida Greenways  
10 State Recreation Area.

11 Section 259.041, F.S., is amended to allow the Division of  
12 State Lands to use, as its own, appraisals obtained by a  
13 public agency or nonprofit organization, provided the  
14 appraiser is selected from the division's list of appraisers  
15 and the appraisal is reviewed and approved by the division.  
16 For the purposes of this chapter, "nonprofit organization,"  
17 means an organization whose purposes include the preservation  
18 of natural resources, and which is exempt from federal income  
19 tax under s. 501(c)(3) of the Internal Revenue Code.

20 Section 259.101, F.S., is amended to delay by one fiscal year  
21 to 1999-2000 the requirement that unencumbered balances of  
22 funds in the P-2000 allocations to the Florida Game and Fresh  
23 Water Fish Commission, Division of Forestry, Department of  
24 Community Affairs for the Community Trust, and the Department  
25 of Environmental Protection for inholdings and additions, and  
26 for the Greenways and Trails Program, be redistributed to the  
27 Conservation and Recreation Lands Trust Fund and the Water  
28 Management Lands Trust Fund.

29 Notwithstanding ch. 253 and 259, F.S., the Board of Trustees  
30 of the Internal Improvement Trust Fund may under ch. 93-184  
31 and 95-275, Laws of Florida, convey the lands located in  
Walton County specifically identified as the New Town,  
consistent with the Walton County Comprehensive Plan, to  
Walton County at a price not to exceed the price paid by the  
board for the lands plus any applicable interest, if the  
disposition of the land would not have the effect of causing  
all or any portion of the interest on any revenue bonds issued  
to fund the Florida Preservation 2000 Trust Act to lose their  
exclusion from gross income for purposes of federal income  
taxation. Any revenue derived from the disposal of the lands  
may not be used for any purpose except for deposit into the  
Florida Preservation 2000 Trust Fund for recredit to the share  
held under s. 259.101(3), F.S., in which the disposed of land  
is described.

32 The New Town Center shall be developed consistent with the  
33 October 31, 1996, South Walton New Town Master Plan of  
34 Development, incorporated in its entirety into the Walton  
35 County Comprehensive Plan and Land Development Code.

36 If any lands acquired by Walton County pursuant to subsection  
37 (1) are resold to private interests, they must be sold at fair  
38 market value and the proceeds from such resale must be used  
39 exclusively for development of the New Town Center, including  
40 its infrastructure and related school facilities.

1 Section 260.016, F.S., was amended to clarify areas of rule  
2 making authority by the Department of Environmental  
3 Protection. A person who violates rules establishing  
4 prohibited activities or restrictions on activities commits a  
5 non-criminal infraction for which a fine of up to \$500 may be  
6 levied.  
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