

By Representative Saunders

1 A bill to be entitled
2 An act relating to Florida Green Communities;
3 amending s. 260.012, F.S.; revising declaration
4 of policy and legislative intent relating to
5 the "Florida Greenways and Trails Act";
6 amending s. 260.013, F.S.; revising
7 definitions; amending s. 260.014, F.S.;
8 providing for the Florida Greenways System;
9 amending s. 260.0141, F.S.; providing for the
10 Florida Greenways Program; restricting use of
11 information and planning materials; amending s.
12 260.015, F.S., relating to acquisition of land;
13 conforming references; amending s. 260.016,
14 F.S., relating to powers of the Department of
15 Environmental Protection; providing for rules;
16 deleting authority to appoint the Florida
17 Recreational Trails Council; authorizing
18 development and implementation of a process for
19 designation of lands for the greenways system;
20 authorizing negotiations with private
21 landowners; authorizing incentives for certain
22 landowners; providing for posting of certain
23 notices of trespass, for which penalties are
24 provided; amending s. 260.018, F.S.; providing
25 for agency recognition of lands designated as
26 greenways and trails; amending ss. 259.041,
27 216.331, and 259.101, F.S.; deleting provision
28 relating to postaudit of land acquisitions by
29 the Auditor General; conforming references and
30 cross references; creating s. 261.011, F.S.;
31 creating the "Florida Green Communities Act";

1 creating s. 261.012, F.S.; providing
2 legislative findings, declarations, and intent;
3 creating s. 261.013, F.S.; providing for
4 sources, distribution, and uses of moneys in
5 the Florida Green Communities Trust Fund;
6 creating s. 261.014, F.S.; providing for
7 criteria and procedures for evaluation and
8 selection of certain projects to be funded by
9 the trust fund; providing responsibilities of
10 the department and the Land Acquisition and
11 Management Advisory Council; creating s.
12 261.015, F.S.; restricting use of motorized
13 vehicles on lands or waters acquired with trust
14 fund moneys; amending s. 253.787, F.S.;
15 providing for selection of certain greenways
16 acquisition properties by the Florida Greenways
17 Coordinating Council; providing for department
18 rules; amending s. 380.507, F.S.; providing
19 additional power of the Florida Communities
20 Trust; amending s. 380.508, F.S.; providing
21 criteria and procedures for evaluation and
22 selection of certain projects to be funded by
23 the trust fund; providing responsibilities of
24 the governing body of the Florida Communities
25 Trust; providing legislative intent for future
26 appropriations; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Section 260.012, Florida Statutes, is
31 amended to read:

1 260.012 Declaration of policy and legislative
2 intent.--

3 (1) In order to provide the public with access to the
4 use, enjoyment, and appreciation of the outdoor areas of
5 Florida, and in order to conserve, develop, and use the
6 natural resources of this state for healthful and recreational
7 purposes, it is declared to be the public policy of this state
8 and the purpose of ss. 260.011-260.018 to provide the means
9 and procedures for establishing and expanding a statewide
10 system of greenways ~~and trails~~ for recreational and
11 conservation purposes which shall be designated as the
12 "Florida Greenways ~~and Trails~~ System." The standards by which
13 the greenways ~~and trails~~ system shall be acquired,
14 administered, maintained, used, and expanded shall be
15 consistent with the provisions of ss. 260.011-260.018. It is
16 the intent of the Legislature that these greenways will serve
17 to maintain vital connections between federal, state, and
18 local conservation and recreation areas, provide linkages
19 between outlying natural areas and population centers and
20 connect neighborhood, city, and county parks, help maintain
21 the health of native ecosystems, and provide nonmotorized ~~and~~
22 ~~trails will serve to implement the concepts of ecosystems~~
23 ~~management while providing~~ recreational opportunities,
24 including, but not limited to, horseback riding, hiking,
25 bicycling, canoeing, jogging, and historical and archeological
26 interpretation, thereby improving the health and welfare of
27 the people.

28 (2) It is the intent of the Legislature that a
29 statewide system of greenways ~~and trails~~ be established to
30 provide open space benefiting environmentally sensitive lands
31 and wildlife and providing people with access to healthful

1 outdoor activities. It is also the intent of the Legislature
2 to acquire lands to facilitate the establishment of a
3 statewide system of greenways ~~and trails~~; to encourage the
4 multiple use of public rights-of-way and use to the fullest
5 extent existing and future scenic roads, highways, park roads,
6 parkways, greenways, trails, and national recreational trails;
7 to encourage the development of greenways in urban areas ~~and~~
8 ~~trails~~ by counties, cities, and special districts and to
9 assist in such development by any means available; to
10 coordinate greenway ~~and trail~~ plans and development by local
11 governments with one another and with the state government and
12 Federal Government; and to encourage, whenever possible, the
13 development of greenways ~~and trails~~ on federal lands by the
14 Federal Government.

15 (3) It is the intent of the Legislature that greenways
16 be located only on public lands and on private lands where the
17 private landowner has agreed in writing to have those private
18 lands designated as a greenway and granted the public the use
19 of those private lands for recreational activities by the
20 donation or sale of an easement, or where the private
21 landowner is willing to voluntarily sell the fee simple
22 interest, or any lesser interest such as a lease or management
23 agreement, in the designated private lands. Private landowners
24 should be encouraged to enter into agreements for the public
25 use of their lands as part of the statewide system of
26 greenways through positive incentives developed pursuant to s.
27 260.016(3). It is the intent of the Legislature that
28 information used in the identification of lands, both public
29 and private, that are suitable for greenways be used only for
30 the purposes of:

31

1 (a) Setting priorities for acquisition, planning, and
2 management of public lands for use as greenways; or

3 (b) identification of private lands which are eligible
4 for designation as part of the greenways system and are
5 thereby eligible for incentives.

6 ~~(4)(3)~~ The planning, development, operation, and
7 maintenance of the Florida Greenways ~~and Trails~~ System
8 authorized by ss. 260.011-260.018 is declared to be a public
9 purpose, and the Department of Environmental Protection,
10 together with other ~~governments and~~ agencies of this state and
11 all counties, municipalities, and special districts of this
12 state, is authorized to spend public funds for such purposes
13 and to accept gifts and grants of funds, property, or property
14 rights from public or private sources to be used for such
15 purposes.

16 ~~(5)(4)~~ The provisions of s. 375.251 relating to the
17 liability of persons making lands available for outdoor
18 recreational purposes shall be applicable to persons whose
19 lands are made available for public use as greenways pursuant
20 to this chapter ss. ~~260.011-260.018~~.

21 (6) It is the intent of the Legislature that
22 incentives granted by any unit of government to private
23 landowners, including tax incentives, grants, or other
24 financial consideration specific to the development or
25 management of greenways, shall not be construed as a charge
26 for use or profit derived from patronage for purposes of s.
27 375.251.

28 ~~(7)(5)~~ It is the intent of the Legislature to
29 officially recognize the Florida National Scenic Trail as
30 Florida's official statewide trail from the Florida Panhandle
31 to the Everglades. It is also the intent of the Legislature

1 to encourage all state, regional, and local agencies who
2 acquire lands to include in their land-buying efforts the
3 acquisition of sufficient legal interest in the lands over
4 which the trail passes to ensure its continued existence in a
5 permanent location.

6 Section 2. Section 260.013, Florida Statutes, is
7 amended to read:

8 260.013 Definitions.--As used in ss. 260.011-260.018,
9 unless the context otherwise requires:

10 (1)~~(4)~~ "Board" means the Board of Trustees of the
11 Internal Improvement Trust Fund.

12 (2)~~(3)~~ "Department" means the Department of
13 Environmental Protection.

14 (3) "Designation" means identification of specific
15 lands as part of the statewide system of greenways pursuant
16 to:

17 (a) A formal public process which shall require that
18 the specific written consent of any affected private
19 nongovernmental landowner must be obtained; and

20 (b) A written authorization granted by a private,
21 nongovernmental landowner to the department permitting public
22 access to all or a specified part of the landowner's property
23 for recreational activities.

24
25 Mapping or other identification of lands as suitable or
26 desirable for inclusion in the system of greenways, mapping of
27 ecological characteristics for any purposes, or development of
28 information for planning purposes shall not be construed as
29 designation.

30 (4)~~(2)~~ "Greenway" means a linear open space
31 established along either a natural corridor, such as a

1 riverfront, stream valley, or ridgeline, or over land along a
2 railroad right-of-way converted to recreational use, a canal,
3 a scenic road, or other route; any natural or landscaped
4 course for pedestrian or bicycle passage; an open space
5 connector linking parks, nature reserves, cultural features,
6 or historic sites with each other and populated areas; or a
7 local strip or linear park designated as a parkway or
8 greenbelt.

9 (5)~~(1)~~ "Trails" means linear corridors and any
10 adjacent support parcels on land or water providing public
11 access for recreation or authorized alternative modes of
12 transportation.

13 Section 3. Section 260.014, Florida Statutes, is
14 amended to read:

15 260.014 Florida Greenways ~~and Trails~~ System.--The
16 Florida Greenways ~~and Trails~~ System shall be a statewide
17 system of greenways ~~and trails~~ which shall consist of
18 individual greenways ~~and trails~~ and networks of greenways ~~and~~
19 ~~trails~~ which may be designated as a part of the statewide
20 system by the department. No lands may be designated as a part
21 of the statewide system of greenways without the specific
22 written consent of the private nongovernmental landowner.

23 Section 4. Section 260.0141, Florida Statutes, is
24 amended to read:

25 260.0141 Greenways ~~and Trails~~ Program.--

26 (1) There is established within the department the
27 "Florida Greenways ~~and Trails~~ Program," the purpose of which
28 is to facilitate the establishment of a statewide system of
29 greenways ~~and trails~~. Such greenways ~~and trails~~ shall be
30 acquired pursuant to this act.

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1 (2) Planning materials, maps, data, and other
2 information developed or used in the program shall not be
3 construed as designation of lands as part of the statewide
4 system of greenways. Identification of lands in such
5 information:

6 (a) Shall not empower any unit of local government, or
7 regional government or any state agency to impose additional
8 or more restrictive environmental, land use, or zoning rules
9 or regulations;

10 (b) Shall not be construed or cited as authority to
11 adopt or enforce any environmental rule or regulation; any
12 comprehensive plan goals, policies, or objectives; any zoning
13 or land use ordinance; the imposition of any permit condition;
14 or the application of any other rule, regulation, or ordinance
15 by any subdivision of local, regional, or state government;
16 and

17 (c) Shall not be used by any governmental agency to
18 reduce or restrict the rights of the owners of lands so
19 identified, unless the owners voluntarily agree to such
20 restrictions.

21 Section 5. Paragraph (b) of subsection (1) and
22 subsection (2) of section 260.015, Florida Statutes, are
23 amended to read:

24 260.015 Acquisition of land.--

25 (1) The department is authorized to acquire by gift or
26 purchase the fee simple absolute title or any lesser interest
27 in land, including easements, for the purposes of ss.
28 260.011-260.018 pursuant to the provisions of chapter 375,
29 except that:

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31

1 (b) Lists of proposed acquisitions for the Florida
2 Greenways ~~and Trails~~ Program shall be prepared according to
3 procedures adopted by the department.

4 (2) For purposes of the Florida Greenways ~~and Trails~~
5 Program, the board may:

6 (a) Accept fee simple title or any lesser interest in
7 lands through methods, including, but not limited to,
8 purchase, donation, grant, dedication, lease, easement,
9 license, or other agreement, to facilitate the establishment
10 of a statewide system of greenways and trails.

11 (b) Accept title to abandoned railroad rights-of-way
12 which is conveyed by quitclaim deed through purchase,
13 dedication, gift, grant, or settlement, notwithstanding s.
14 259.041(1).

15 (c) Enter into an agreement or, upon delegation, the
16 department may enter into an agreement, with a nonprofit
17 corporation, as defined in s. 259.041(7)(e), to assume
18 responsibility for acquisition of lands pursuant to this
19 section. The agreement may transfer responsibility for all
20 matters which may be delegated or waived pursuant to s.
21 259.041(1).

22 Section 6. Section 260.016, Florida Statutes, is
23 amended to read:

24 260.016 General powers of the department.--

25 (1) The department may:

26 (a) Publish and distribute appropriate maps of
27 designated greenways and trails. The description shall include
28 a generalized map delineating the area designated, location of
29 suitable ingress and egress sites, as well as other points of
30 interest to enhance the recreational opportunities of the
31 public.

1 (b) Establish access routes and related public-use
2 facilities along greenways and trails which will not
3 substantially interfere with the nature and purposes of the
4 greenway or trail.

5 (c) Adopt rules to implement this act, which may
6 include rules regarding:

7 1. Designation, maintenance, and use of greenways and
8 trails.

9 2. Access to and fees for the use of greenways and
10 trails.

11 3. Entering into agreements with landowners for the
12 use of greenways and trails, including rules for acquiring fee
13 simple or other interests in private or public lands.

14 4. Restrictions or prohibitions on the use of
15 greenways and trails.

16 5. Any other matter necessary for the greenways
17 program.

18 ~~(c) Adopt appropriate rules for the use of greenways~~
19 ~~and trails.~~

20 (d) Coordinate the activities of all governmental
21 units and bodies and special districts that desire to
22 participate in the development of the Florida Greenways ~~and~~
23 ~~Trails~~ System.

24 ~~(e) Appoint an advisory body to be known as the~~
25 ~~"Florida Recreational Trails Council" which shall advise the~~
26 ~~department in the execution of its powers and duties under~~
27 ~~this chapter. The department may establish by rule the~~
28 ~~duties, structure, and responsibilities of the council.~~
29 ~~Members of the Florida Recreational Trails Council shall serve~~
30 ~~without compensation, but are entitled to be reimbursed for~~
31 ~~per diem and travel expenses as provided in s. 112.061.~~

1 (e)~~(f)~~ Establish, develop, and publicize saltwater
2 paddling trails in a manner that will permit public recreation
3 without damaging natural resources. The Big Bend Historic
4 Saltwater Paddling Trail from the St. Marks River to the
5 Suwannee River is hereby designated as part of the Florida
6 Greenways ~~and Trails~~ System. Additions to this trail may be
7 added by the department from time to time as part of a
8 statewide saltwater circumnavigation trail.

9 (f)~~(g)~~ Enter into sublease agreements or other use
10 agreements with local governmental agencies for the management
11 of greenways and trails for recreation and conservation
12 purposes consistent with the intent of this chapter.

13 (g)~~(h)~~ Enter into management agreements with other
14 entities only if a federal agency, another state agency, local
15 government, county, or municipality is unable to manage the
16 greenways or trails lands. Such entities must demonstrate
17 their capabilities of management for the purposes defined in
18 ss. 260.011-260.018.

19 (h)~~(i)~~ Charge reasonable fees or rentals for the use
20 or operation of facilities and concessions. All such fees,
21 rentals, or other charges collected shall be deposited in the
22 account or trust fund of the managing entity. All such fees,
23 rentals, or other charges collected by the Division of
24 Recreation and Parks under this paragraph shall be deposited
25 in the State Park Trust Fund pursuant to s. 258.014.

26 (2) The department shall:

27 (a) Evaluate lands for the acquisition of greenways
28 and trails and compile a list of suitable corridors,
29 greenways, and trails, ranking them in order of priority for
30 proposed acquisition. The department shall devise a method of
31

1 evaluation which includes, but is not limited to, the
2 consideration of:

3 1. The importance and function of such corridors
4 within the statewide system.

5 2. Potential for local sharing in the acquisition,
6 development, operation, or maintenance of greenway and trail
7 corridors.

8 3. Costs of acquisition, development, operation, and
9 maintenance.

10 (b) Maintain an updated list of abandoned and
11 to-be-abandoned railroad rights-of-way. The department shall
12 request information on current and potential railroad
13 abandonments from the Department of Transportation, ~~the~~
14 ~~Interstate Commerce Commission~~, and railroad companies
15 operating within the state. At a minimum, the department
16 shall make such requests on a quarterly basis.

17 (c) Provide information to public and private agencies
18 and organizations on abandoned rail corridors which are or
19 will be available for acquisition from the railroads or for
20 lease for interim recreational use from the Department of
21 Transportation. Such information shall include, at a minimum,
22 probable costs of purchase or lease of the identified
23 corridors.

24 (d) Develop and implement a process for designation of
25 lands as part of the statewide system of greenways, which
26 process shall include:

27 1. Development and dissemination of criteria for
28 designation;

29 2. Development and dissemination of criteria for
30 changes in the terms or conditions of designation, including
31 withdrawal or termination of designations;

1 3. Compilation of available information on the
2 recreational, ecological, historical, and cultural
3 characteristics and other attributes of lands as they relate
4 to the developed criteria;

5 4. Field verification of characteristics and criteria
6 for specific lands to be designated;

7 5. Public notice and appropriate provision for peer
8 review in all phases of the process, including any required
9 rulemaking; and

10 6. Where private lands have not been purchased in fee
11 simple, written authorization from an affected landowner in
12 the form of an easement, lease, or other instrument that
13 grants public access to all or a specified part of a
14 landowner's property.

15 (3) The department is authorized to negotiate with
16 potentially affected private landowners as to the terms under
17 which such landowners would consent to the public use of their
18 lands as part of the greenways system. The department is
19 authorized to agree to incentives for a private landowner who
20 consents to enter into a voluntary easement or other agreement
21 for the public use of lands or to sell such lands to the state
22 or other governmental unit. Such incentives include, but are
23 not limited to:

24 (a) Credits for mitigation of impacts to wetlands or
25 other surface waters for activities on other lands, including
26 the ability to market such credits or to use such credits in
27 the context of an ecosystem management agreement, provided
28 such award, use, or marketing of mitigation credits is in
29 compliance with part IV of chapter 373 and rules adopted under
30 that part.

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1 (b) Retention by the landowner of certain specific
2 rights in greenway lands, such as the right to farm, graze,
3 harvest timber, or use the lands for other purposes that are
4 consistent with use of the lands as a greenway.

5 (c) Agreements to exchange, subject to the approval of
6 the Board of Trustees of the Internal Improvement Trust Fund
7 or other applicable unit of government, ownership or other
8 rights of use of public lands for the ownership or other
9 rights of use of privately owned property. Any exchange of
10 state-owned lands, title to which is vested in the Board of
11 Trustees of the Internal Improvement Trust Fund, for privately
12 owned lands shall be subject to the requirements of s.
13 259.041.

14 (d) Contracting with the landowner to provide
15 management or other services on the lands.

16 (e) Acceleration of the acquisition process or
17 increased acquisition priority when such privately owned lands
18 are under consideration for acquisition by the state or other
19 unit of government.

20
21 Incentives granted by any unit of government to private
22 landowners, including tax incentives, grants, or other
23 financial consideration specific to the development or
24 management of greenways, shall not be construed as a charge
25 for use or profit derived from patronage for purposes of s.
26 375.251.

27 (4) When a private landowner agrees to make land
28 available for public use as a greenway, the department shall
29 post notices along the boundary of the greenway which inform
30 the public that the land adjacent to the greenway is private
31 property upon which unauthorized entry for any purpose is

1 prohibited. The notices shall constitute a warning to
2 unauthorized persons to remain off of or depart from the
3 property. Any person who commits such an unauthorized entry is
4 guilty of trespass as provided in s. 810.09.

5 Section 7. Section 260.018, Florida Statutes, is
6 amended to read:

7 260.018 Agency recognition.--All agencies of the
8 state, regional planning councils through their comprehensive
9 plans, and local governments through their local comprehensive
10 planning process pursuant to chapter 163 shall recognize the
11 ~~special character of the~~ lands and waters designated by the
12 state as greenways and trails ~~and shall not take any action~~
13 ~~which will impair their use as designated.~~ Identification of
14 lands or waters in planning materials, maps, data, and other
15 information developed or used in the greenways program shall
16 not be cause for such lands or waters to be subject to this
17 section unless such lands have been designated as part of the
18 statewide system of greenways.

19 Section 8. Subsections (3), (15), (16), (17), and (18)
20 of section 259.041, Florida Statutes, are amended to read:

21 259.041 Acquisition of state-owned lands for
22 preservation, conservation, and recreation purposes.--

23 (3) No agreement to acquire real property for the
24 purposes described in this chapter, chapter 260, or chapter
25 375, title to which will vest in the board of trustees, may
26 bind the state unless and until the agreement has been
27 reviewed and approved by the Department of Environmental
28 Protection as complying with the requirements of this section
29 and any rules adopted pursuant to this section. However,
30 review and approval of agreements for acquisitions for Florida
31 Greenways ~~and Trails~~ Program properties pursuant to chapter

1 260 may be waived by the department in any contract with
2 nonprofit corporations who have agreed to assist the
3 department with this program. Where any of the following
4 conditions exist, the agreement shall be submitted to and
5 approved by the board of trustees:

6 (a) The purchase price agreed to by the seller exceeds
7 the value as established pursuant to the rules of the board of
8 trustees;

9 (b) The contract price agreed to by the seller and
10 acquiring agency exceeds \$1 million;

11 (c) The acquisition is the initial purchase in a
12 project; or

13 (d) Other conditions that the board of trustees may
14 adopt by rule. Such conditions may include, but not be limited
15 to, projects where title to the property being acquired is
16 considered nonmarketable or is encumbered in such a way as to
17 significantly affect its management.

18
19 Where approval of the board of trustees is required pursuant
20 to this subsection, the acquiring agency must provide a
21 justification as to why it is in the public's interest to
22 acquire the parcel or project. Approval of the board of
23 trustees also is required for projects the department
24 recommends acquiring pursuant to subsections (13) and (14).

25 ~~(15) The Auditor General shall conduct performance~~
26 ~~postaudits of acquisitions and divestitures which he or she~~
27 ~~deems necessary, according to his or her review of the overall~~
28 ~~land acquisition program. These selected reviews will be~~
29 ~~initiated within 60 days following the final approval by the~~
30 ~~board of land acquisitions under this section. The Auditor~~
31 ~~General shall submit an audit report to the board of trustees,~~

1 ~~the President of the Senate, the Speaker of the House of~~
2 ~~Representatives, and their designees.~~

3 (15)~~(16)~~ Title to lands to be held jointly by the
4 board of trustees and a water management district and acquired
5 pursuant to the procedures set out in s. 373.139 may be deemed
6 to meet the standards necessary for ownership by the board of
7 trustees, notwithstanding any provisions in this section or in
8 related rules.

9 (16)~~(17)~~ Any agency authorized to acquire lands on
10 behalf of the board of trustees is authorized to request
11 disbursement of payments for real estate closings in
12 accordance with a written authorization from an ultimate
13 beneficiary to allow a third party authorized by law to
14 receive such payment provided the Comptroller determines that
15 such disbursement is consistent with good business practices
16 and can be completed in a manner minimizing costs and risks to
17 the state.

18 (17)~~(18)~~ Many parcels of land acquired pursuant to
19 this section may contain cattle-dipping vats as defined in s.
20 376.301. The state is encouraged to continue with the
21 acquisition of such lands including the cattle-dipping vats.

22 Section 9. Section 216.331, Florida Statutes, is
23 amended to read:

24 216.331 Disbursement of state moneys.--Except as
25 provided in s. 17.076, s. 253.025(14), s. 259.041(16)~~(17)~~, s.
26 717.124(5), s. 732.107(6), or s. 733.816(5), all moneys in the
27 State Treasury shall be disbursed by state warrant, drawn by
28 the Comptroller upon the State Treasury and payable to the
29 ultimate beneficiary. This authorization shall include
30 electronic disbursement.

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1 Section 10. Paragraph (g) of subsection (3) of section
2 259.101, Florida Statutes, is amended to read:

3 259.101 Florida Preservation 2000 Act.--

4 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
5 costs of issuance, the costs of funding reserve accounts, and
6 other costs with respect to the bonds, the proceeds of bonds
7 issued pursuant to this act shall be deposited into the
8 Florida Preservation 2000 Trust Fund created by s. 375.045.
9 Ten percent of the proceeds of any bonds deposited into the
10 Preservation 2000 Trust Fund shall be distributed by the
11 Department of Environmental Protection to the Department of
12 Environmental Protection for the purchase by the South Florida
13 Water Management District of lands in Dade, Broward, and Palm
14 Beach Counties identified in s. 7, chapter 95-349, Laws of
15 Florida. This distribution shall apply for any bond issue for
16 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,
17 \$20 million per year from the proceeds of any bonds deposited
18 into the Florida Preservation 2000 Trust Fund shall be
19 distributed by the Department of Environmental Protection to
20 the St. Johns Water Management District for the purchase of
21 lands necessary to restore Lake Apopka. The remaining proceeds
22 shall be distributed by the Department of Environmental
23 Protection in the following manner:

24 (g) One and three-tenths percent to the Department of
25 Environmental Protection for the Florida Greenways ~~and Trails~~
26 Program, to acquire greenways and trails or greenways and
27 trails systems pursuant to chapter 260, including, but not
28 limited to, abandoned railroad rights-of-way and the Florida
29 National Scenic Trail.

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1 Local governments may use federal grants or loans, private
2 donations, or environmental mitigation funds, including
3 environmental mitigation funds required pursuant to s.
4 338.250, for any part or all of any local match required for
5 the purposes described in this subsection. Bond proceeds
6 allocated pursuant to paragraph (c) may be used to purchase
7 lands on the priority lists developed pursuant to s. 259.035.
8 Title to lands purchased pursuant to paragraphs (a), (d), (e),
9 (f), and (g) shall be vested in the Board of Trustees of the
10 Internal Improvement Trust Fund, except that title to lands,
11 or rights or interests therein, acquired by either the
12 Southwest Florida Water Management District or the St. Johns
13 River Water Management District in furtherance of the Green
14 Swamp Land Authority's mission pursuant to s. 380.0677(3),
15 shall be vested in the district where the acquisition project
16 is located. Title to lands purchased pursuant to paragraph
17 (c) may be vested in the Board of Trustees of the Internal
18 Improvement Trust Fund, except that title to lands, or rights
19 or interests therein, acquired by either the Southwest Florida
20 Water Management District or the St. Johns River Water
21 Management District in furtherance of the Green Swamp Land
22 Authority's mission pursuant to s. 380.0677(3), shall be
23 vested in the district where the acquisition project is
24 located. This subsection is repealed effective October 1,
25 2000. Prior to repeal, the Legislature shall review the
26 provisions scheduled for repeal and shall determine whether to
27 reenact or modify the provisions or to take no action.

28 Section 11. Section 261.011, Florida Statutes, is
29 created to read:

30 261.011 Short title.--This chapter may be cited as the
31 "Florida Green Communities Act."

1 Section 12. Section 261.012, Florida Statutes, is
2 created to read:

3 261.012 Legislative findings, declaration, and
4 intent.--

5 (1) The Legislature finds and declares that:

6 (a) As Florida has one of the fastest growing
7 populations in the nation and is rapidly urbanizing, a new
8 land conservation and outdoor recreation program must be
9 developed and targeted to those areas of the state where the
10 majority of Floridians will live and work in the
11 future--Florida's cities and urban areas.

12 (b) Urban areas of the state frequently lack adequate
13 land and facilities for active and passive outdoor
14 recreational activities, including hiking, bicycling, jogging,
15 walking, swimming, nature study, canoeing, and other
16 nonmotorized uses. The Legislature finds that such facilities
17 would improve the health and welfare of the residents of our
18 cities and towns and would assist in helping youth avoid
19 becoming involved in unhealthy or criminal activities.

20 (c) Waterfront areas, drinking water sources, rivers,
21 streams, lakes, and floodplains in urban areas should be
22 preserved or restored to protect adequate supplies of drinking
23 water and wildlife habitat in such areas.

24 (d) Fragmented ecosystems, habitat preserves, and
25 plant and animal life would be more likely to survive over
26 time if such ecosystems and preserves can be linked and
27 expanded.

28 (e) Fragmented ecosystems and habitat preserves in
29 public ownership, and other greenways which are incomplete,
30 should be connected by the acquisition, through donation or
31 purchase, of the necessary property interests to achieve the

1 purposes of this chapter, including, but not limited to
2 donation or purchase of fee simple, easement, or long-term
3 leasehold interests.

4 (f) Florida's landmark conservation and recreation
5 land acquisition programs have succeeded in acquiring many
6 thousands of acres of land for conservation and public
7 recreation uses. However, sufficient funds have not been
8 provided to permit state agencies and local governments to
9 appropriately manage this land for ecological restoration or
10 provide visitor use and access facilities in many recently
11 acquired properties.

12 (g) Local governments, in partnership with state
13 agencies, should bear primary responsibility for selecting and
14 acquiring lands to be protected under this chapter utilizing
15 state matching funds.

16 (2)(a) It is the intent of the Legislature, by this
17 act, to adopt the goals and implementing steps set forth in
18 the 1995 Report of the Florida Greenways Commission calling
19 for a comprehensive statewide system of greenways, with
20 adequate access for all citizens.

21 (b) It is the further intent of the Legislature to
22 provide additional funds for the purposes of supplementing
23 land management, restoration, visitor use facilities, and
24 interpretive or educational facilities in the state and local
25 conservation and public recreation areas.

26 Section 13. Section 261.013, Florida Statutes, is
27 created to read:

28 261.013 The Florida Green Communities Trust Fund if
29 created by law, or otherwise the General Revenue Fund, shall
30 be administered by the Department of Environmental Protection
31 to carry out the purposes of this act. Each fiscal year

1 commencing with fiscal year 2000-2001, there shall be
2 deposited in the trust fund if created by law, or otherwise
3 the General Revenue Fund, 50 percent of the proceeds collected
4 monthly by the Department of Revenue pursuant to parts I, II,
5 and III of chapter 199, as well as the net proceeds of any
6 bond sales authorized by the Legislature for the purposes of
7 this act, and all contributions received for such purposes.
8 Funds so deposited shall be distributed by the Department of
9 Environmental Protection in the following manner:
10 (1) Twenty-five percent to the Department of
11 Environmental Protection for use by the Office of Greenways
12 and Trails, or its successor agency, to provide matching
13 grants to local governments and state agencies for the
14 acquisition of lands and related purposes as described in ss.
15 260.012-260.018, and s. 261.012. Funds distributed to local
16 governments shall be utilized for the acquisition of lands for
17 greenways, in-holdings within greenways, and connectors,
18 linkages, and additions to greenways. Grants shall be made to
19 local governments and state agencies only as selected and
20 determined by the Florida Greenways Coordinating Council as
21 created in s. 253.787, or its successor agency.
22 (2) Twenty-five percent to the Department of Community
23 Affairs for use by the Florida Communities Trust to provide
24 matching grants for the purposes provided in this chapter to
25 local governments and qualified, nonprofit, tax-exempt land
26 conservation organizations, to assist in the acquisition of
27 community-based, urban open spaces, parks, and greenways. The
28 Florida Communities Trust shall give preference to projects
29 proposing to provide outdoor recreation facilities in urban
30 areas currently lacking adequate recreational and open-space
31 lands.

1 (3) Twenty-five percent to the Department of
2 Environmental Protection to provide matching grants to local
3 governments and state agencies for the development of visitor
4 use facilities on public lands and for land management,
5 restoration of degraded natural areas, and preservation of
6 public lands. Funds shall be distributed under this subsection
7 to eligible state and local agencies on the recommendation of
8 the Land Acquisition and Management Advisory Council.

9 (4) Twenty-five percent to the Department of
10 Environmental Protection to provide matching grants to state
11 and local government agencies and to water management
12 districts, to acquire interest in lands for the purposes of
13 protecting rivers, lakes, streams, and aquifers from
14 degradation of water quality; to prevent the loss of drinking
15 water supplies through pollution; and to provide public access
16 to these waterbodies for passive, nonmotorized recreational
17 purposes. Funds shall be distributed under this subsection on
18 the recommendation of the Land Acquisition and Management
19 Advisory Council.

20 Section 14. Section 261.014, Florida Statutes, is
21 created to read:

22 261.014 Florida Green Communities Trust Fund projects;
23 evaluation and selection.--

24 (1)(a) The department, through the Land Acquisition
25 and Management Advisory Council, shall develop criteria for
26 the evaluation and selection of projects that will best
27 implement the purposes described in s. 261.013(3) to provide
28 land management, restoration, preservation, and visitor use
29 facilities on public lands.

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1 (b) In developing criteria for the evaluation and
2 selection of projects to be funded, the council shall give
3 priority to projects that will:

4 1. Create or enhance public access to and use of
5 public lands for outdoor recreation and resource conservation;

6 2. Create or enhance public access to and use of
7 public conservation, recreation, park, and open-space lands
8 within cities with populations greater than 50,000 or within
9 counties with populations greater than 125,000, according to
10 the most recent United States census;

11 3. Improve or restore degraded natural areas; or

12 4. Create or improve necessary visitor use facilities,
13 such as hiking trails, parking areas, bathrooms, picnic areas,
14 boardwalks, and environmental education and interpretative
15 facilities.

16 5. Preserve significant archeological and historic
17 sites.

18 (2)(a) The department, through the Land Acquisition
19 and Management Advisory Council, shall determine by rule
20 criteria for the evaluation and selection of projects to be
21 funded pursuant to s. 261.013(4) for the conservation and
22 improvement of water resources, as described in that
23 subsection.

24 (b) In establishing criteria for the evaluation and
25 selection of local government and water management district
26 projects to be funded, the council shall give priority to
27 projects that will:

28 1. Protect the water quality of surface waters of the
29 state;

30 2. Protect the water quality and quantity of drinking
31 water supplies through land acquisition;

1 3. Help restore the quality of waterbodies as wildlife
2 habitat;

3 4. Provide enhanced public access to surface
4 waterbodies consistent with the primary purpose of water
5 resource protection;

6 5. Provide land management and resource protection to
7 public lands that are at greatest risk for resource
8 degradation or are currently substantially not usable by the
9 public due to lack of access or lack of visitor use
10 facilities; or

11 6. Provide for the removal of upland exotic plant
12 species which harm or supplant natural resources.

13 (3) The department shall provide the council with
14 staff sufficient to carry out its purposes and functions under
15 this section and s. 261.013(3) and (4).

16 Section 15. Section 261.015, Florida Statutes, is
17 created to read:

18 261.015 Uses of trust fund moneys.--Nothing in this
19 chapter shall authorize the use of funds from the Florida
20 Green Communities Trust Fund if created by law, or otherwise
21 the General Revenue Fund, for the development, purchase, or
22 use of any motorized means of transportation, including, but
23 not limited to, motorbikes and motorcycles, automobiles,
24 trucks, all-terrain vehicles or "jet-powered" water
25 transports. Such vehicles shall not be permitted on any lands
26 or waters acquired in whole or in part by or with such funds,
27 with the exception of those motorized vehicles necessary for
28 law enforcement, land management, or emergency response.

29 Section 16. Paragraph (j) is added to subsection (6)
30 of section 253.787, Florida Statutes, to read:

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1 253.787 Florida Greenways Coordinating Council;
2 composition; duties.--
3 (6) The council shall:
4 (j) Annually prepare, from projects submitted by local
5 governments and state agencies, a list of proposed greenways
6 properties to be acquired by purchase, or the donation of
7 interests in such property, pursuant to s. 261.013(1). The
8 department shall, within 90 days after the effective date of
9 this act, adopt rules establishing the duties and
10 responsibilities of the council under this paragraph,
11 notwithstanding any other statute or rule requiring any other
12 procedure or time period.

13 Section 17. Subsection (15) is added to section
14 380.507, Florida Statutes, to read:
15 380.507 Powers of the trust.--The trust shall have all
16 the powers necessary or convenient to carry out the purposes
17 and provisions of this part, including:
18 (15) To evaluate and select greenways conservation and
19 recreation projects to be funded by the Florida Green
20 Communities Trust Fund if created by law, or otherwise the
21 General Revenue Fund, for the purposes provided in chapter
22 261.

23 Section 18. Subsection (9) is added to section
24 380.508, Florida Statutes, to read:
25 380.508 Projects; development, review, and approval.--
26 (9)(a) The governing body of the trust shall adopt by
27 rule criteria for evaluating and selecting projects to be
28 funded in whole or in part with moneys allocated to the trust
29 from the Florida Green Communities Trust Fund if created by
30 law, or otherwise the General Revenue Fund, pursuant to s.
31 261.013(2), for the purposes provided in chapter 261.

1 (b) In establishing criteria for the evaluation and
2 selection of projects to be funded, the governing body of the
3 trust shall give priority to projects that will:

4 1. Provide open-space and outdoor recreational
5 opportunities to residents of cities with populations greater
6 than 50,000 or to residents of counties with populations
7 greater than 125,000, according to the most recent census;

8 2. Establish, add to, connect, or complete greenways
9 in or near urban population centers;

10 3. Obtain public access and use of waterfronts, lakes,
11 ocean beaches, rivers, streams, and other waterbodies in or
12 near urban population centers;

13 4. Be located within a brownfield area as defined in
14 chapter 376;

15 5. Restore or improve wetlands, beaches, or former
16 natural areas in or near urban population centers; or

17 6. Add, connect, or provide public access to existing
18 state, federal, or local parks, preserves, or water management
19 or resource protection areas.

20 Section 19. The Legislature intends that the Florida
21 Communities Trust of the Department of Community Affairs be
22 appropriated annually from the Florida Green Communities Trust
23 Fund if created by law, or otherwise the General Revenue Fund,
24 sufficient moneys and staff positions to implement the
25 programs created or expanded by this act.

26 Section 20. This act shall take effect July 1, 2000.

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HOUSE SUMMARY

Effective July 1, 2000, revises the "Florida Greenways and Trails Act" and creates the "Florida Green Communities Act" to provide for a comprehensive statewide system of greenways for conservation and recreation purposes. Provides for designation, acquisition, use, preservation, and restoration and maintenance of greenway lands. Provides authority and responsibility of the Department of Environmental Protection to develop and implement a process for such designation and to negotiate with landowners and provide certain incentives. Requires the department to post trespass notices along greenway boundaries. Provides sources, distribution, and uses of moneys from the Florida Green Communities Trust Fund, created elsewhere by law. Provides responsibilities of the department, the Land Acquisition and Management Advisory Council, the Office of Greenways and Trails, the Florida Greenways Coordinating Council, the Department of Community Affairs, the Florida Communities Trust, and the water management districts with respect to acquiring interests in lands, and providing grants to state and local agencies and governments, for purposes of the act. Removes provisions relating to postaudit by the Auditor General of lands acquired for conservation purposes. Provides legislative intent for future annual appropriations. See bill or details.