

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:

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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

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

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

27

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

30

31 110.501 Definitions.--As used in this act:

32

33 (1) "Volunteer" means any person who, of his or her
34 own free will, provides goods or services, or conveys an
35 interest in or otherwise consents to the use of real property
36 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.

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 which 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).

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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.

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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.

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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:

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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 Department
 20 of Environmental Protection, Division of State Lands P2000 sub
 21 account for the purchase of State Lands as described in
 22 s.259.032 and Water Management District P2000 sub account for
 23 the purchase of Water Management Lands pursuant to ss. 373.59,
 24 373.456 and 373.4592.~~Conservation and Recreation Lands Trust~~
 25 ~~Fund and the Water Management Lands Trust Fund.~~For the
 26 purposes of this subsection, the term "unencumbered balances"
 27 means the portion of Preservation 2000 bond proceeds which is
 28 not obligated through the signing of a purchase contract
 29 between a public agency and a private landowner, except that
 30 the program described in paragraph (3)(c) may not lose any
 31 portion of its unencumbered funds which remain unobligated

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

15 2. The department and the water management districts
16 may enter into joint acquisition agreements to jointly fund
17 the purchase of lands using alternatives to fee simple
18 techniques.

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

1 purpose except for deposit into the Florida Preservation 2000
2 Trust Fund for recredit to the share held under section
3 259.101(3), Florida Statutes, in which the disposed of land is
4 described.

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

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

15 Section 15. This act shall take effect July 1 of the
16 year in which enacted.

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