

1 A bill to be entitled
2 An act relating to recreational lands;
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; amending s. 372.57, F.S.;
9 providing for a recreational user permit fee to
10 hunt, fish, or otherwise use for outdoor
11 recreational purposes, land leased by Game and
12 Fresh Water Fish Commission from private
13 nongovernmental owners; providing for the sale
14 of specified lands by the Board of Trustees of
15 the Internal Improvement Trust Fund; providing
16 for the deposit of funds from the sale;
17 providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. The purpose of this act is to encourage
22 private landowners to make their lands available to the public
23 as part of the statewide system of designated greenways and
24 trails by:

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

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

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

1 110.501 Definitions.--As used in this act:

2 (1) "Volunteer" means any person who, of his or her
3 own free will, provides goods or services, or conveys an
4 interest in or otherwise consents to the use of real property
5 pursuant to ss. 260.011-260.018,to any state department or
6 agency, or nonprofit organization, with no monetary or
7 material compensation. A person registered and serving in
8 Older American Volunteer Programs authorized by the Domestic
9 Volunteer Service Act of 1973, as amended (Pub. L. No.
10 93-113), shall also be defined as a volunteer and shall incur
11 no civil liability as provided by s. 768.1355. A volunteer
12 shall be eligible for payment of volunteer benefits as
13 specified in Pub. L. No. 93-113, this section, and s. 430.204.

14 Section 3. Section 260.012, Florida Statutes, is
15 amended to read:

16 260.012 Declaration of policy and legislative
17 intent.--

18 (1) In order to recognize the benefits ~~provide the~~
19 ~~public with access to the use, enjoyment, and appreciation~~ of
20 the outdoor areas of Florida, and in order to conserve,
21 develop, and use the natural resources of this state for
22 healthful and recreational purposes, it is declared to be the
23 public policy of this state and the purpose of ss.
24 260.011-260.018 to provide the means and procedures for
25 establishing and expanding a statewide system of greenways and
26 trails for recreational and conservation purposes which shall
27 be designated as the "Florida Greenways and Trails System."
28 The standards by which the greenways and trails system shall
29 be acquired, designated,administered, maintained, used, and
30 expanded shall be consistent with the provisions of ss.
31 260.011-260.018. It is the intent of the Legislature that

1 these greenways and trails will serve to implement the
 2 concepts of ecosystems management while providing, where
 3 appropriate, recreational opportunities, including, but not
 4 limited to, horseback riding, hiking, bicycling, canoeing,
 5 jogging, and historical and archeological interpretation,
 6 thereby improving the health and welfare of the people.

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

28 (3) It is the intent of the Legislature that
 29 designated greenways and trails be located on public lands
 30 and, subject to the written agreement of the private
 31 landowner, on private lands. Designated greenways and trails

1 located on public or private lands may or may not provide
2 public access, as agreed by the department or the landowner,
3 respectively.

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

8 (a) Setting priorities for acquisition, planning, and
9 management of public lands for use as greenways and trails;
10 and

11 (b) Identification of private lands which are eligible
12 for designation as part of the greenways and trails system and
13 are thereby eligible for incentives.

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

24 ~~(4) The provisions of s. 375.251 relating to the~~
25 ~~liability of persons making lands available for outdoor~~
26 ~~recreational purposes shall be applicable to ss.~~
27 ~~260.011-260.018.~~

28 (6)~~(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 4. Section 260.0125, Florida Statutes, is
7 created to read:

8 260.0125 Limitation on liability of private landowners
9 whose property is designated as part of the statewide system
10 of greenways and trails.--

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

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

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

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

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

28 (2) Any private landowner who consents to designation
29 of his or her land as part of the statewide system of
30 greenways and trails pursuant to s. 260.016(2)(d) without
31 compensation shall be considered a volunteer, as defined in s.

1 110.501, and shall be covered by state liability protection
2 pursuant to s. 768.28, including s. 768.28(9).

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

10 (b) Incentives granted by any unit of government to
11 the private landowner, including tax incentives, grants, or
12 other financial consideration specific to the development or
13 management of designated greenways and trails, shall not be
14 construed as a charge for use or profit derived from patronage
15 for purposes of this subsection and shall not be construed as
16 monetary or material compensation for purposes of subsection
17 (2).

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

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

29 (b) Such notices must comply with s. 810.011(5) and
30 shall constitute a warning to unauthorized persons to remain
31 off the private property and not to depart from the designated

1 greenway or trail. Any person who commits such an unauthorized
2 entry commits a trespass as provided in s. 810.09.

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

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

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

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

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

21 Section 5. Section 260.013, Florida Statutes, is
22 amended to read:

23 260.013 Definitions.--As used in ss. 260.011-260.018,
24 unless the context otherwise requires:

25 (1)~~(4)~~ "Board" means the Board of Trustees of the
26 Internal Improvement Trust Fund.

27 (2)~~(3)~~ "Department" means the Department of
28 Environmental Protection.

29 (3) "Designation" means the identification and
30 inclusion of specific lands as part of the statewide system of
31 greenways and trails pursuant to a formal public process,

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

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

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

24 Section 6. Section 260.014, Florida Statutes, is
25 amended to read:

26 260.014 Florida Greenways and Trails System.--The
27 Florida Greenways and Trails System shall be a statewide
28 system of greenways and trails which shall consist of
29 individual greenways and trails and networks of greenways and
30 trails which may be designated as a part of the statewide
31 system by the department. Mapping or other forms of

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

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

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

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

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

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

31

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

4 Section 8. Section 260.016, Florida Statutes, is
5 amended to read:

6 260.016 General powers of the department.--

7 (1) The department may:

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

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

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

22 1. Establishing a designation process.

23 2. Negotiating and executing agreements with private
24 landowners.

25 3. Establishing prohibited activities or restrictions
26 on activities to protect the health, safety, and welfare of
27 the public.

28 4. Charging fees for use.

29 5. Providing public access.

30 6. Providing for maintenance.

31

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

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

8 ~~(c) Adopt appropriate rules for the use of greenways~~
9 ~~and trails.~~

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

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

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

30 (g) Enter into sublease agreements or other use
31 agreements with local governmental agencies for the management

1 of greenways and trails for recreation and conservation
2 purposes consistent with the intent of this chapter.

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

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

16 (2) The department shall:

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

23 1. The importance and function of such corridors
24 within the statewide system.

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

28 3. Costs of acquisition, development, operation, and
29 maintenance.

30 (b) Maintain an updated list of abandoned and
31 to-be-abandoned railroad rights-of-way. The department shall

1 request information on current and potential railroad
2 abandonments from the Department of Transportation, ~~the~~
3 ~~Interstate Commerce Commission~~, and railroad companies
4 operating within the state. At a minimum, the department
5 shall make such requests on a quarterly basis.

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

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

16 1. Development and dissemination of criteria for
17 designation.

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

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

29 4. Public notice pursuant to s. 120.525 in all phases
30 of the process.

31

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

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

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

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

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

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

1 Trustees of the Internal Improvement Trust Fund, for privately
2 owned lands shall be subject to the requirements of s.
3 259.041.

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

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

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

14 (f) Execution of patrol and protection agreements.

15 (g) Where applicable and appropriate, providing lease
16 fees, not to exceed fair market value of the leasehold
17 interest.

18 Section 9. Section 260.018, Florida Statutes, is
19 amended to read:

20 260.018 Agency recognition.--All agencies of the
21 state, regional planning councils through their comprehensive
22 plans, and local governments through their local comprehensive
23 planning process pursuant to chapter 163 shall recognize the
24 special character of publicly owned ~~the~~ lands and waters
25 designated by the state as greenways and trails and shall not
26 take any action which will impair their use as designated.
27 Identification of lands in planning materials, maps, data, and
28 other information developed or used in the greenways and
29 trails program shall not be cause for such lands to be subject
30 to this section, unless such lands have been designated as a
31

1 part of the statewide system or greenways and trails pursuant
2 to s. 260.016(2)(d).

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

20 Section 11. The Department of Environmental Protection
21 shall honor Marjorie Harris Carr by the erection of a suitable
22 memorial to her on the site of the Cross Florida Greenways
23 State Recreation Area.

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

26 259.041 Acquisition of state-owned lands for
27 preservation, conservation, and recreation purposes.--

28 (7) Prior to approval by the board of trustees or,
29 when applicable, the Department of Environmental Protection,
30 of any agreement to purchase land pursuant to this chapter,
31 chapter 260, or chapter 375, and prior to negotiations with

1 the parcel owner to purchase any other land, title to which
2 will vest in the board of trustees, an appraisal of the parcel
3 shall be required as follows:

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

13 Section 13. Paragraph (f) of subsection (9) of section
14 259.101, Florida Statutes, is amended to read:

15 259.101 Florida Preservation 2000 Act.--

16 (9)

17 (f)1. Pursuant to subsection (3) and beginning in
18 fiscal year 1999-2000 ~~1998-1999~~, that portion of the
19 unencumbered balances of each program described in paragraphs
20 (3)(c), (d), (e), (f), and (g) which has been on deposit in
21 such program's Preservation 2000 account for more than two
22 fiscal years shall be redistributed equally to the Department
23 of Environmental Protection, Division of State Lands P2000 sub
24 account for the purchase of State Lands as described in
25 s.259.032 and Water Management District P2000 sub account for
26 the purchase of Water Management Lands pursuant to ss. 373.59,
27 373.456 and 373.4592.~~Conservation and Recreation Lands Trust~~
28 ~~Fund and the Water Management Lands Trust Fund.~~For the
29 purposes of this subsection, the term "unencumbered balances"
30 means the portion of Preservation 2000 bond proceeds which is
31 not obligated through the signing of a purchase contract

1 between a public agency and a private landowner, except that
2 the program described in paragraph (3)(c) may not lose any
3 portion of its unencumbered funds which remain unobligated
4 because of extraordinary circumstances that hampered the
5 affected local governments' abilities to close on land
6 acquisition projects approved through the Florida Communities
7 Trust program. Extraordinary circumstances shall be
8 determined by the Florida Communities Trust governing body and
9 may include such things as death or bankruptcy of the owner of
10 property; a change in the land use designation of the
11 property; natural disasters that affected a local government's
12 ability to consummate the sales contract on such property; or
13 any other condition that the Florida Communities Trust
14 governing board determined to be extraordinary. The portion of
15 the funds deposited in the Water Management Lands Trust Fund
16 shall be distributed to the water management districts as
17 provided in s. 373.59(7).

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

22 Section 14. Paragraph (b) of subsection (4) of section
23 372.57, Florida Statutes, is amended to read:

24 372.57 Licenses and permits; exemptions; fees.--No
25 person, except as provided herein, shall take game, freshwater
26 fish, or fur-bearing animals within this state without having
27 first obtained a license, permit, or authorization and paid
28 the fees hereinafter set forth, unless such license is issued
29 without fee as provided in s. 372.561. Such license, permit,
30 or authorization shall authorize the person to whom it is
31 issued to take game, freshwater fish, or fur-bearing animals

1 in accordance with law and commission rules. Such license,
2 permit, or authorization is not transferable. Each license or
3 permit must bear on its face in indelible ink the name of the
4 person to whom it is issued and other information requested by
5 the commission. Such license, permit, or authorization issued
6 by the commission or any agent must be in the personal
7 possession of the person to whom issued while taking game,
8 freshwater fish, or fur-bearing animals. The failure of such
9 person to exhibit such license, permit, or authorization to
10 the commission or its wildlife officers, when such person is
11 found taking game, freshwater fish, or fur-bearing animals, is
12 a violation of law. A positive form of identification is
13 required when using an authorization, a lifetime license, a
14 5-year license, or when otherwise required by the license or
15 permit. The lifetime licenses and 5-year licenses provided
16 herein shall be embossed with the name, date of birth, the
17 date of issuance, and other pertinent information as deemed
18 necessary by the commission. A certified copy of the
19 applicant's birth certificate shall accompany all applications
20 for a lifetime license for residents 12 years of age and
21 younger.

22 (4) In addition to any license required by this
23 chapter, the following permits and fees for certain hunting,
24 fishing, and recreational uses, and the activities authorized
25 thereby, are:

26 (b)1. Management area permits to hunt, fish, or
27 otherwise use for outdoor recreational purposes, land owned,
28 leased, or managed by the commission or the State of Florida
29 for the use and benefit of the commission, up to \$25 annually.
30 Permits, and fees thereof, for short-term use of land which is
31 owned, leased, or managed by the commission may be established

1 by rule of the commission for any activity on such lands.
2 Such permits and fees may be in lieu of or in addition to the
3 annual management area permit. Other than for hunting or
4 fishing, the provisions of this paragraph shall not apply on
5 any lands not owned by the commission, unless the commission
6 shall have obtained the written consent of the owner or
7 primary custodian of such lands.

8 2. A recreational user permit fee to hunt, fish, or
9 otherwise use for outdoor recreational purposes, land leased
10 by the commission from private nongovernmental owners, except
11 for those lands located directly north of the Apalachicola
12 National Forest, east of the Ochlockonee River until the point
13 the river meets the dam forming Lake Talquin, and south of the
14 closest federal highway. The fee for this permit shall be
15 based upon economic compensation desired by the landowner,
16 game population levels, desired hunter density, and
17 administrative costs. The permit fee shall be set by
18 commission rule on a per-acre basis. On property currently in
19 the private landowner payment program, the prior year's
20 landowner payment shall be used to augment the landowner lease
21 fee so as to decrease the permit fee for the users of that
22 property. The spouse and dependent children of a permittee are
23 exempt from the permit fee when engaged in outdoor
24 recreational activities other than hunting in the company of
25 the permittee. Notwithstanding any other provision of this
26 chapter, there are no other exclusions, exceptions, or
27 exemptions from this permit fee. The landowner lease fee, less
28 an administrative permit fee of up to \$25 per permit, shall be
29 remitted to the landowner as provided in the lease agreement
30 for each area.

31

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

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

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

28 Section 16. This act shall take effect July 1 of the
29 year in which enacted.
30
31