

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Environmental Protection offered the
12 following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause
16
17 and insert in lieu thereof:

18 Section 1. Paragraph (a) of subsection (4) of section
19 253.7825, Florida Statutes is amended to read:

20 253.7825 Recreational uses.--

21 (4)(a) A horse park-agricultural center may be
22 constructed by or on behalf of the Florida Department of
23 Agriculture and Consumer Services on not more than 500 ~~250~~
24 acres of former canal lands ~~which meet the criteria for~~
25 ~~surplus lands and which lie outside the greenways boundary.~~

26 Section 2. Section 253.787, Florida Statutes, is
27 repealed.

28 Section 3. Subsections (2), (3) and (4) of section
29 260.012, Florida Statutes, 1998 Supplement, are amended to
30 read:

31 260.012 Declaration of policy and legislative

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1 intent.--

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

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

30 (4) It is the intent of the Legislature that
31 information produced for the purpose of the identification of

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1 lands and waterways, both public and private, that are
2 suitable for greenways and trails be used only for the
3 purposes of:

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

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

10 Section 4. Subsection (3) of section 260.013, Florida
11 Statutes, 1998 Supplement, is amended to read:

12 260.013 Definitions.--As used in ss. 260.011-260.018,
13 unless the context otherwise requires:

14 (3) "Designation" means the identification and
15 inclusion of specific lands and waterways as part of the
16 statewide system of greenways and trails pursuant to a formal
17 public process, including the specific written consent of the
18 landowner. When the department determines that public access
19 is appropriate for greenways and trails, written authorization
20 must be granted by the landowner to the department permitting
21 public access to all or a specified part of the landowner's
22 property. The department's determination shall be noticed
23 pursuant to s. 120.525, and the department shall also notify
24 the landowner by certified mail at least 7 days before any
25 public meeting regarding the intent to designate.

26 Section 5. Section 260.014, Florida Statutes, 1998
27 Supplement, is amended to read:

28 260.014 Florida Greenways and Trails System.--The
29 Florida Greenways and Trails System shall be a statewide
30 system of greenways and trails which shall consist of
31 individual greenways and trails and networks of greenways and

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

10 Section 6. Section 260.0142, Florida Statutes, is
11 created to read:

12 260.0142 Florida Greenways and Trails Council created;
13 composition of council; powers and duties.--

14 (1) There is hereby created within the Department of
15 Environmental Protection the Florida Greenways and Trails
16 Council which shall advise the department in the execution of
17 the department's powers and duties under this chapter. The
18 council shall be composed of 21 members, consisting of:

19 (a) Five members appointed by the Governor, with two
20 members representing the trail user community, two members
21 representing the greenway user community, and one member
22 representing private landowners. Of the initial appointments,
23 two shall be appointed for 2-year terms and three shall be
24 appointed for 1-year terms. Subsequent appointments shall be
25 for 2-year terms.

26 (b) Three members appointed by the President of the
27 Senate, with one member representing the trail user community
28 and two members representing the greenway user community. Of
29 the initial appointments, two shall be appointed for 2-year
30 terms and one shall be appointed for a 1-year term. Subsequent
31 appointments shall be for 2-year terms.

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1 (c) Three members appointed by the Speaker of the
2 House of Representatives, with two members representing the
3 trail user community and one member representing the greenway
4 user community. Of the initial appointments, two shall be
5 appointed for 2-year terms and one shall be appointed for a
6 1-year term. Subsequent appointments shall be for 2-year
7 terms.

8
9 Those eligible to represent the trail user community shall be
10 chosen from, but not be limited to, paved trail users, hikers,
11 off-road bicyclists, paddlers, equestrians, disabled outdoor
12 recreational users, and commercial recreational interests.
13 Those eligible to represent the greenway user community shall
14 be chosen from, but not be limited to, conservation
15 organizations, nature study organizations, and scientists and
16 university experts.

17 (d) The ten remaining members shall include:

- 18 1. The Secretary of Environmental Protection or a
19 designee;
20 2. The executive director of the Fish and Wildlife
21 Conservation Commission or a designee;
22 3. The Secretary of Community Affairs or a designee;
23 4. The Secretary of Transportation or a designee;
24 5. The Director of the Division of Forestry of the
25 Department of Agriculture and Consumer Services or a designee;
26 6. The director of the Division of Historical
27 Resources of the Department of State or a designee;
28 7. A representative of the water management districts
29 who shall serve for 1 year. Membership on the council shall
30 rotate among the five districts. The districts shall
31 determine the order of rotation;

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1 8. A representative of a federal land management
2 agency. The Secretary of Environmental Protection shall
3 identify the appropriate federal agency and request
4 designation of a representative from the agency to serve on
5 the council;

6 9. A representative of the regional planning councils
7 to be appointed by the Secretary of Environmental Protection,
8 in consultation with the Secretary of Community Affairs, for a
9 single 2-year term. The representative cannot be selected
10 from the same regional planning council for successive terms;
11 and

12 10. A representative of local governments to be
13 appointed by the Secretary of Environmental Protection, in
14 consultation with the Secretary of Community Affairs, for a
15 single 2-year term. Membership shall alternate between a
16 county representative and a municipal representative.

17 (2) The department shall provide necessary staff
18 assistance to the council.

19 (3) The council is authorized to contract for and to
20 accept gifts, grants, or other aid from the United States
21 Government or any person or corporation.

22 (4) The duties of the council shall include, but not
23 be limited to, the following:

24 (a) Advise the Department of Environmental Protection,
25 the Department of Community Affairs, the Department of
26 Transportation, the Fish and Wildlife Conservation Commission,
27 the Division of Forestry of the Department of Agriculture and
28 Consumer Services, the water management districts, and the
29 regional planning councils on policies relating to the Florida
30 Greenways and Trails System, and promote intergovernmental
31 cooperation;

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1 (b) Facilitate a statewide system of interconnected
2 landscape linkages, conservation corridors, greenbelts,
3 recreational corridors and trails, scenic corridors,
4 utilitarian corridors, reserves, regional parks and preserves,
5 ecological sites, and historical/historic/recreational sites;

6 (c) Facilitate a statewide system of interconnected
7 land-based trails that connect urban, suburban, and rural
8 areas of the state and facilitate expansion of the statewide
9 system of freshwater and saltwater paddling trails;

10 (d) Recommend priorities for critical links in the
11 Florida Greenways and Trails System;

12 (e) Review applications for acquisition funding under
13 the Florida Greenways and Trails Program and recommend to the
14 Secretary of Environmental Protection which projects should be
15 acquired;

16 (f) Provide funding recommendations to agencies and
17 organizations regarding the acquisition, development, and
18 management of greenways and trails, including the promotion of
19 private landowner incentives;

20 (g) Review designation proposals for inclusion in the
21 Florida Greenways and Trails System;

22 (h) Provide advocacy and education to benefit the
23 statewide system of greenways and trails by encouraging
24 communication and conferencing;

25 (i) Encourage public-private partnerships to develop
26 and manage greenways and trails;

27 (j) Review progress toward meeting established
28 benchmarks and recommend appropriate action;

29 (k) Make recommendations for updating and revising the
30 implementation plan for the Florida Greenways and Trails
31 System;

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1 (l) Advise the Land Acquisition and Management
2 Advisory Council or its successor to ensure the incorporation
3 of greenways and trails in land management plans on lands
4 managed by the Department of Environmental Protection, the
5 Fish and Wildlife Conservation Commission, the Division of
6 Historical Resources of the Department of State, and the
7 Division of Forestry of the Department of Agriculture and
8 Consumer Services;

9 (m) Provide advice and assistance to the Department of
10 Transportation and the water management districts regarding
11 the incorporation of greenways and trails into their planning
12 efforts;

13 (n) Encourage land use, environmental, and coordinated
14 linear infrastructure planning to facilitate the
15 implementation of local, regional, and statewide greenways and
16 trails systems;

17 (o) Promote greenways and trails support
18 organizations; and

19 (p) Support the Florida Greenways and Trails System in
20 any other appropriate way.

21 (5) The council shall establish procedures for
22 conducting its affairs in execution of the duties and
23 responsibilities stated in this section, which operating
24 procedures shall include determination of a council chair and
25 other appropriate operational guidelines. The council shall
26 meet at the call of the chair, or at such times as may be
27 prescribed by its operating procedures. The council may
28 establish committees to conduct the work of the council and
29 the committees may include nonmembers as appropriate.

30 (6) A vacancy in the council shall be filled for the
31 remainder of the unexpired term in the same manner as the

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1 original appointment. Members whose terms have expired may
2 continue to serve until replaced or reappointed. No member
3 shall serve on the council for more than two consecutive
4 terms.

5 (7) Members of the council shall not receive any
6 compensation for their services but shall be entitled to
7 receive reimbursement for per diem and travel expenses
8 incurred in the performance of their duties, as provided in s.
9 112.061.

10 Section 7. Section 260.016, Florida Statutes, 1998
11 Supplement, is amended, to read:

12 260.016 General powers of the department.--

13 (1) The department may:

14 (a) Publish and distribute appropriate maps of
15 designated greenways and trails. The description shall include
16 a generalized map delineating the area designated, location of
17 suitable ingress and egress sites, as well as other points of
18 interest to enhance the recreational opportunities of the
19 public.

20 (b) Establish access routes and related public-use
21 facilities along greenways and trails which will not
22 substantially interfere with the nature and purposes of the
23 greenway or trail.

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

28 1. Establishing a designation process.

29 2. Negotiating and executing agreements with private
30 landowners.

31 3. Establishing prohibited activities or restrictions

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1 on activities to protect the health, safety, and welfare of
2 the public.

3 4. Charging fees for use.

4 5. Providing public access.

5 6. Providing for maintenance.

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

8
9 Any person who violates or otherwise fails to comply with the
10 rules adopted pursuant to subparagraph 3. commits a
11 noncriminal infraction for which a fine of up to \$500 may be
12 imposed.

13 (d) Coordinate the activities of all governmental
14 units and bodies and special districts that desire to
15 participate in the development and implementation of the
16 Florida Greenways and Trails System.

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

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

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1 as part of a statewide saltwater circumnavigation trail.

2 ~~(f)(g)~~ Enter into ~~sublease agreements or other use~~
3 ~~agreements with any federal, state, or local governmental~~
4 ~~agency, or any other entity local governmental agencies~~ for
5 the management of greenways and trails for recreation and
6 conservation purposes consistent with the intent of this
7 chapter.

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

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

21 (2) The department shall:

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

28 1. The importance and function of such corridors
29 within the statewide system.

30 2. Potential for local sharing in the acquisition,
31 development, operation, or maintenance of greenway and trail

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1 corridors.

2 3. Costs of acquisition, development, operation, and
3 maintenance.

4 (b) Maintain an updated list of abandoned and
5 to-be-abandoned railroad rights-of-way. ~~The department shall~~
6 ~~request information on current and potential railroad~~
7 ~~abandonments from the Department of Transportation and~~
8 ~~railroad companies operating within the state. At a minimum,~~
9 ~~the department shall make such requests on a quarterly basis.~~

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

17 (d) Develop and implement a process for designation of
18 lands and waterways as a part of the statewide system of
19 greenways and trails, which shall include:

20 1. Development and dissemination of criteria for
21 designation.

22 2. Development and dissemination of criteria for
23 changes in the terms or conditions of designation, including
24 withdrawal or termination of designation. A landowner may have
25 his or her lands ~~property~~ removed from designation by
26 providing the department with a written request that contains
27 an adequate description of such lands to be removed.

28 Provisions shall be made in the designation agreement for
29 disposition of any future improvements made to the land by the
30 department.

31 3. Compilation of available information on and field

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1 verification of the characteristics of the lands and waterways
2 as they relate to the developed criteria.

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

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

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

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

17 (e) Implement the plan for the Florida Greenways and
18 Trails System as adopted by the Florida Greenways Coordinating
19 Council on September 11, 1998.

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

28 (a) Retention by the landowner of certain specific
29 rights in his or her lands, including, but not limited to, the
30 right to farm, hunt, graze, harvest timber, or use the lands
31 for other purposes which are consistent with use as greenways

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1 or trails.

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

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

13 (d) At the option of the landowner, acceleration of
14 the acquisition process or higher consideration in the ranking
15 process when any lands owned by the landowner are under
16 consideration for acquisition by the state or other unit of
17 government.

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

21 (f) Execution of patrol and protection agreements.

22 (g) Where applicable and appropriate, providing lease
23 fees, not to exceed fair market value of the leasehold
24 interest.

25 Section 8. Section 260.018, Florida Statutes, 1998
26 Supplement, is amended to read:

27 260.018 Agency recognition.--All agencies of the
28 state, regional planning councils through their comprehensive
29 plans, and local governments through their local comprehensive
30 planning process pursuant to chapter 163 shall recognize the
31 special character of publicly owned lands and waters

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1 designated by the state as greenways and trails and shall not
2 take any action which will impair their use as designated.
3 Identification of lands or waterways in planning materials,
4 maps, data, and other information developed or used in the
5 greenways and trails program shall not be cause for such lands
6 or waterways to be subject to this section, unless such lands
7 or waterways have been designated as a part of the statewide
8 system or greenways and trails pursuant to s.
9 260.016(2)(d)~~(1)(k)~~.

10 Section 9. Paragraph (a) of subsection (11) of section
11 288.1224, Florida Statutes, is amended to read:

12 288.1224 Powers and duties.--The commission:

13 (11) Shall create an advisory committee of the
14 commission which shall be charged with developing a regionally
15 based plan to protect and promote all of the natural, coastal,
16 historical, cultural, and commercial tourism assets of this
17 state.

18 (a) Members of the advisory committee shall be
19 appointed by the chair of the commission and shall include
20 representatives of the commission, the Departments of
21 Agriculture and Consumer Services, Environmental Protection,
22 Community Affairs, Transportation, and State, the Florida
23 Greenways and Trails ~~Coordinating~~ Council, the Fish and
24 Wildlife Conservation Commission ~~Florida Game and Freshwater~~
25 ~~Fish Commission~~, and, as deemed appropriate by the chair of
26 the commission, representatives from other federal, state,
27 regional, local, and private sector associations representing
28 environmental, historical, cultural, recreational, and
29 tourism-related activities.

30 Section 10. The following trails located upon or
31 within public lands or waterways and designated prior to May

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1 30, 1998 shall not be subject to the designation process
2 established in chapter 260, Florida Statutes, 1998
3 Supplement: thirty-six canoe trails designated by the
4 Governor and Cabinet in 1970 and redesignated by the Governor
5 and Cabinet on December 8, 1981; the Historic Big Bend
6 Saltwater Paddling Trail; Hillsborough River State
7 Recreational Canoe Trail; and trails located within state
8 parks and forests.

9 Section 11. This act shall take effect upon becoming a
10 law.

11
12

13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 On page 1,
16 remove from the title of the bill: all of said title
17
18 and insert in lieu thereof:

19 An act relating to greenways and trails;
20 amending s. 253.7825, F.S.; providing acreage
21 requirements for a horse park-agricultural
22 center; repealing s. 253.787, F.S.; relating to
23 the Florida Greenways Coordinating Council;
24 amending s. 260.012, F.S.; clarifying
25 legislative intent; amending s. 260.013, F.S.;
26 clarifying definitions; creating s. 260.0142,
27 F.S.; creating the Florida Greenways and Trails
28 Council within the Department of Environmental
29 Protection; providing for appointment,
30 membership, powers, and duties; amending s.
31 260.016, F.S.; deleting reference to the

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1 Florida Recreational Trails Council; revising
2 powers of the Department of Environmental
3 Protection; amending s. 260.018, F.S.;
4 correcting cross references; amending s.
5 288.1224, F.S.; providing conforming language;
6 providing an effective date.
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