

1 A bill to be entitled
2 An act relating to greenways and trails;
3 amending s. 253.7825, F.S.; providing acreage
4 requirements for a horse park-agricultural
5 center; repealing s. 253.787, F.S.; relating to
6 the Florida Greenways Coordinating Council;
7 amending s. 260.012, F.S.; clarifying
8 legislative intent; amending s. 260.013, F.S.;
9 clarifying definitions; creating s. 260.0142,
10 F.S.; creating the Florida Greenways and Trails
11 Council within the Department of Environmental
12 Protection; providing for appointment,
13 membership, powers, and duties; amending s.
14 260.016, F.S.; deleting reference to the
15 Florida Recreational Trails Council; revising
16 powers of the Department of Environmental
17 Protection; amending s. 260.018, F.S.;
18 correcting cross references; amending s.
19 288.1224, F.S.; providing conforming language;
20 directing the Department of Environment
21 Protection and the Department of Agriculture
22 and Consumer Services to provide a report;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Paragraph (a) of subsection (4) of section
28 253.7825, Florida Statutes is amended to read:

29 253.7825 Recreational uses.--

30 (4)(a) A horse park-agricultural center may be
31 constructed by or on behalf of the Florida Department of

1 Agriculture and Consumer Services on not more than 500 ~~250~~
2 acres of former canal lands ~~which meet the criteria for~~
3 ~~surplus lands and which lie outside the greenways boundary.~~

4 Section 2. Section 253.787, Florida Statutes, is
5 repealed.

6 Section 3. Subsections (2), (3) and (4) of section
7 260.012, Florida Statutes, 1998 Supplement, are amended to
8 read:

9 260.012 Declaration of policy and legislative
10 intent.--

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

1 (3) It is the intent of the Legislature that
2 designated greenways and trails be located on public lands and
3 waterways and, subject to the written agreement of the private
4 landowner, on private lands. Designated greenways and trails
5 located on public lands or waterways or on private lands may
6 or may not provide public access, as agreed by the department
7 or the landowner, respectively.

8 (4) It is the intent of the Legislature that
9 information produced for the purpose of the identification of
10 lands and waterways, both public and private, that are
11 suitable for greenways and trails be used only for the
12 purposes of:

13 (a) Setting priorities for acquisition, planning, and
14 management of public lands and waterways for use as greenways
15 and trails; and

16 (b) Identification of private lands which are eligible
17 for designation as part of the greenways and trails system and
18 are thereby eligible for incentives.

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

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

23 (3) "Designation" means the identification and
24 inclusion of specific lands and waterways as part of the
25 statewide system of greenways and trails pursuant to a formal
26 public process, including the specific written consent of the
27 landowner. When the department determines that public access
28 is appropriate for greenways and trails, written authorization
29 must be granted by the landowner to the department permitting
30 public access to all or a specified part of the landowner's
31 property. The department's determination shall be noticed

1 pursuant to s. 120.525, and the department shall also notify
2 the landowner by certified mail at least 7 days before any
3 public meeting regarding the intent to designate.

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

6 260.014 Florida Greenways and Trails System.--The
7 Florida Greenways and Trails System shall be a statewide
8 system of greenways and trails which shall consist of
9 individual greenways and trails and networks of greenways and
10 trails which may be designated as a part of the statewide
11 system by the department. Mapping or other forms of
12 identification of lands and waterways as suitable for
13 inclusion in the system of greenways and trails, mapping of
14 ecological characteristics for any purpose, or development of
15 information for planning purposes shall not constitute
16 designation. No lands or waterways may be designated as a part
17 of the statewide system of greenways and trails without the
18 specific written consent of the landowner.

19 Section 6. Section 260.0142, Florida Statutes, is
20 created to read:

21 260.0142 Florida Greenways and Trails Council created;
22 composition of council; powers and duties.--

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

28 (a) Five members appointed by the Governor, with two
29 members representing the trail user community, two members
30 representing the greenway user community, and one member
31 representing private landowners. Of the initial appointments,

1 two shall be appointed for 2-year terms and three shall be
2 appointed for 1-year terms. Subsequent appointments shall be
3 for 2-year terms.

4 (b) Three members appointed by the President of the
5 Senate, with one member representing the trail user community
6 and two members representing the greenway user community. Of
7 the initial appointments, two shall be appointed for 2-year
8 terms and one shall be appointed for a 1-year term. Subsequent
9 appointments shall be for 2-year terms.

10 (c) Three members appointed by the Speaker of the
11 House of Representatives, with two members representing the
12 trail user community and one member representing the greenway
13 user community. Of the initial appointments, two shall be
14 appointed for 2-year terms and one shall be appointed for a
15 1-year term. Subsequent appointments shall be for 2-year
16 terms.

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18 Those eligible to represent the trail user community shall be
19 chosen from, but not be limited to, paved trail users, hikers,
20 off-road bicyclists, paddlers, equestrians, disabled outdoor
21 recreational users, and commercial recreational interests.

22 Those eligible to represent the greenway user community shall
23 be chosen from, but not be limited to, conservation
24 organizations, nature study organizations, and scientists and
25 university experts.

26 (d) The ten remaining members shall include:

27 1. The Secretary of Environmental Protection or a
28 designee;

29 2. The executive director of the Fish and Wildlife
30 Conservation Commission or a designee;

31 3. The Secretary of Community Affairs or a designee;

- 1 4. The Secretary of Transportation or a designee;
2 5. The Director of the Division of Forestry of the
3 Department of Agriculture and Consumer Services or a designee;
4 6. The director of the Division of Historical
5 Resources of the Department of State or a designee;
6 7. A representative of the water management districts
7 who shall serve for 1 year. Membership on the council shall
8 rotate among the five districts. The districts shall
9 determine the order of rotation;
10 8. A representative of a federal land management
11 agency. The Secretary of Environmental Protection shall
12 identify the appropriate federal agency and request
13 designation of a representative from the agency to serve on
14 the council;
15 9. A representative of the regional planning councils
16 to be appointed by the Secretary of Environmental Protection,
17 in consultation with the Secretary of Community Affairs, for a
18 single 2-year term. The representative cannot be selected
19 from the same regional planning council for successive terms;
20 and
21 10. A representative of local governments to be
22 appointed by the Secretary of Environmental Protection, in
23 consultation with the Secretary of Community Affairs, for a
24 single 2-year term. Membership shall alternate between a
25 county representative and a municipal representative.
26 (2) The department shall provide necessary staff
27 assistance to the council.
28 (3) The council is authorized to contract for and to
29 accept gifts, grants, or other aid from the United States
30 Government or any person or corporation.
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1 (4) The duties of the council shall include, but not
2 be limited to, the following:

3 (a) Advise the Department of Environmental Protection,
4 the Department of Community Affairs, the Department of
5 Transportation, the Fish and Wildlife Conservation Commission,
6 the Division of Forestry of the Department of Agriculture and
7 Consumer Services, the water management districts, and the
8 regional planning councils on policies relating to the Florida
9 Greenways and Trails System, and promote intergovernmental
10 cooperation;

11 (b) Facilitate a statewide system of interconnected
12 landscape linkages, conservation corridors, greenbelts,
13 recreational corridors and trails, scenic corridors,
14 utilitarian corridors, reserves, regional parks and preserves,
15 ecological sites, and historical/historic/recreational sites;

16 (c) Facilitate a statewide system of interconnected
17 land-based trails that connect urban, suburban, and rural
18 areas of the state and facilitate expansion of the statewide
19 system of freshwater and saltwater paddling trails;

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

22 (e) Review applications for acquisition funding under
23 the Florida Greenways and Trails Program and recommend to the
24 Secretary of Environmental Protection which projects should be
25 acquired;

26 (f) Provide funding recommendations to agencies and
27 organizations regarding the acquisition, development, and
28 management of greenways and trails, including the promotion of
29 private landowner incentives;

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

1 (h) Provide advocacy and education to benefit the
2 statewide system of greenways and trails by encouraging
3 communication and conferencing;

4 (i) Encourage public-private partnerships to develop
5 and manage greenways and trails;

6 (j) Review progress toward meeting established
7 benchmarks and recommend appropriate action;

8 (k) Make recommendations for updating and revising the
9 implementation plan for the Florida Greenways and Trails
10 System;

11 (l) Advise the Land Acquisition and Management
12 Advisory Council or its successor to ensure the incorporation
13 of greenways and trails in land management plans on lands
14 managed by the Department of Environmental Protection, the
15 Fish and Wildlife Conservation Commission, the Division of
16 Historical Resources of the Department of State, and the
17 Division of Forestry of the Department of Agriculture and
18 Consumer Services;

19 (m) Provide advice and assistance to the Department of
20 Transportation and the water management districts regarding
21 the incorporation of greenways and trails into their planning
22 efforts;

23 (n) Encourage land use, environmental, and coordinated
24 linear infrastructure planning to facilitate the
25 implementation of local, regional, and statewide greenways and
26 trails systems;

27 (o) Promote greenways and trails support
28 organizations; and

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

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1 (5) The council shall establish procedures for
2 conducting its affairs in execution of the duties and
3 responsibilities stated in this section, which operating
4 procedures shall include determination of a council chair and
5 other appropriate operational guidelines. The council shall
6 meet at the call of the chair, or at such times as may be
7 prescribed by its operating procedures. The council may
8 establish committees to conduct the work of the council and
9 the committees may include nonmembers as appropriate.

10 (6) A vacancy in the council shall be filled for the
11 remainder of the unexpired term in the same manner as the
12 original appointment. Members whose terms have expired may
13 continue to serve until replaced or reappointed. No member
14 shall serve on the council for more than two consecutive
15 terms.

16 (7) Members of the council shall not receive any
17 compensation for their services but shall be entitled to
18 receive reimbursement for per diem and travel expenses
19 incurred in the performance of their duties, as provided in s.
20 112.061.

21 Section 7. Section 260.016, Florida Statutes, 1998
22 Supplement, is amended, to read:

23 260.016 General powers of the department.--

24 (1) The department may:

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

31

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

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

- 9 1. Establishing a designation process.
- 10 2. Negotiating and executing agreements with private
11 landowners.
- 12 3. Establishing prohibited activities or restrictions
13 on activities to protect the health, safety, and welfare of
14 the public.
- 15 4. Charging fees for use.
- 16 5. Providing public access.
- 17 6. Providing for maintenance.
- 18 7. Any matter necessary to the evaluation, selection,
19 operation, and maintenance of greenways and trails.

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

25 (d) Coordinate the activities of all governmental
26 units and bodies and special districts that desire to
27 participate in the development and implementation of the
28 Florida Greenways and Trails System.

29 ~~(e) Appoint an advisory body to be known as the~~
30 ~~"Florida Recreational Trails Council" which shall advise the~~
31 ~~department in the execution of its powers and duties under~~

1 ~~this chapter. The department may establish by rule the~~
 2 ~~duties, structure, and responsibilities of the council.~~
 3 ~~Members of the Florida Recreational Trails Council shall serve~~
 4 ~~without compensation, but are entitled to be reimbursed for~~
 5 ~~per diem and travel expenses as provided in s. 112.061.~~

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

14 (f)(g) Enter into sublease agreements or other use
 15 agreements with any federal, state, or local governmental
 16 agency, or any other entity local governmental agencies for
 17 the management of greenways and trails for recreation and
 18 conservation purposes consistent with the intent of this
 19 chapter.

20 ~~(h) Enter into management agreements with other~~
 21 ~~entities only if a federal agency, another state agency, local~~
 22 ~~government, county, or municipality is unable to manage the~~
 23 ~~greenways or trails lands. Such entities must demonstrate~~
 24 ~~their capabilities of management for the purposes defined in~~
 25 ~~ss. 260.011-260.018.~~

26 (g)(i) Charge reasonable fees or rentals for the use
 27 or operation of facilities and concessions. All such fees,
 28 rentals, or other charges collected shall be deposited in the
 29 account or trust fund of the managing entity. ~~All such fees,~~
 30 ~~rentals, or other charges collected by the Division of~~

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1 ~~Recreation and Parks under this paragraph shall be deposited~~
2 ~~in the State Park Trust Fund pursuant to s. 258.014.~~

3 (2) The department shall:

4 (a) Evaluate lands for the acquisition of greenways
5 and trails and compile a list of suitable corridors,
6 greenways, and trails, ranking them in order of priority for
7 proposed acquisition. The department shall devise a method of
8 evaluation which includes, but is not limited to, the
9 consideration of:

10 1. The importance and function of such corridors
11 within the statewide system.

12 2. Potential for local sharing in the acquisition,
13 development, operation, or maintenance of greenway and trail
14 corridors.

15 3. Costs of acquisition, development, operation, and
16 maintenance.

17 (b) Maintain an updated list of abandoned and
18 to-be-abandoned railroad rights-of-way. ~~The department shall~~
19 ~~request information on current and potential railroad~~
20 ~~abandonments from the Department of Transportation and~~
21 ~~railroad companies operating within the state. At a minimum,~~
22 ~~the department shall make such requests on a quarterly basis.~~

23 (c) Provide information to public and private agencies
24 and organizations on abandoned rail corridors which are or
25 will be available for acquisition from the railroads or for
26 lease for interim recreational use from the Department of
27 Transportation. ~~Such information shall include, at a minimum,~~
28 ~~probable costs of purchase or lease of the identified~~
29 ~~corridors.~~

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

4 1. Development and dissemination of criteria for
5 designation.

6 2. Development and dissemination of criteria for
7 changes in the terms or conditions of designation, including
8 withdrawal or termination of designation. A landowner may have
9 his or her lands ~~property~~ removed from designation by
10 providing the department with a written request that contains
11 an adequate description of such lands to be removed.
12 Provisions shall be made in the designation agreement for
13 disposition of any future improvements made to the land by the
14 department.

15 3. Compilation of available information on and field
16 verification of the characteristics of the lands and waterways
17 as they relate to the developed criteria.

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

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

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

27 7. Development of a greenway or trail use plan as a
28 part of the designation agreement. In any particular segment
29 of a greenway or trail, the plan components must be compatible
30 with connecting segments and, at a minimum, describe the types
31 and intensities of uses of the property.

1 (e) Implement the plan for the Florida Greenways and
2 Trails System as adopted by the Florida Greenways Coordinating
3 Council on September 11, 1998.

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

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

17 (b) Agreement to exchange, subject to the approval of
18 the Board of Trustees of the Internal Improvement Trust Fund
19 or other applicable unit of government, ownership or other
20 rights of use of public lands for the ownership or other
21 rights of use of privately owned lands ~~property~~. Any exchange
22 of state-owned lands, title to which is vested in the Board of
23 Trustees of the Internal Improvement Trust Fund, for privately
24 owned lands shall be subject to the requirements of s.
25 259.041.

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

28 (d) At the option of the landowner, acceleration of
29 the acquisition process or higher consideration in the ranking
30 process when any lands owned by the landowner are under
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1 consideration for acquisition by the state or other unit of
2 government.

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

6 (f) Execution of patrol and protection agreements.

7 (g) Where applicable and appropriate, providing lease
8 fees, not to exceed fair market value of the leasehold
9 interest.

10 Section 8. Section 260.018, Florida Statutes, 1998
11 Supplement, is amended to read:

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

25 260.016(2)(d)~~(i)(k)~~.

26 Section 9. Paragraph (a) of subsection (11) of section
27 288.1224, Florida Statutes, is amended to read:

28 288.1224 Powers and duties.--The commission:

29 (11) Shall create an advisory committee of the
30 commission which shall be charged with developing a regionally
31 based plan to protect and promote all of the natural, coastal,

1 historical, cultural, and commercial tourism assets of this
2 state.

3 (a) Members of the advisory committee shall be
4 appointed by the chair of the commission and shall include
5 representatives of the commission, the Departments of
6 Agriculture and Consumer Services, Environmental Protection,
7 Community Affairs, Transportation, and State, the Florida
8 Greenways and Trails Coordinating Council, the Fish and
9 Wildlife Conservation Commission ~~Florida Game and Freshwater~~
10 ~~Fish Commission~~, and, as deemed appropriate by the chair of
11 the commission, representatives from other federal, state,
12 regional, local, and private sector associations representing
13 environmental, historical, cultural, recreational, and
14 tourism-related activities.

15 Section 10. The following trails located upon or
16 within public lands or waterways and designated prior to May
17 30, 1998 shall not be subject to the designation process
18 established in chapter 260, Florida Statutes, 1998
19 Supplement: thirty-six canoe trails designated by the
20 Governor and Cabinet in 1970 and redesignated by the Governor
21 and Cabinet on December 8, 1981; the Historic Big Bend
22 Saltwater Paddling Trail; Hillsborough River State
23 Recreational Canoe Trail; and trails located within state
24 parks and forests.

25 Section 11. The Department of Environmental Protection
26 and the Department of Agriculture and Consumer Services are
27 directed to work together to provide a report on cattle
28 dipping vats, with recommendations and appropriate draft
29 legislation, to the Governor, the President of the Senate, the
30 Speaker of the House of Representatives, and the chairs of the
31 appropriate substantive and fiscal committees in the Senate

1 and House of Representatives by February 1, 2000. The report
2 shall include, at a minimum"

3 (1) A summary of the current information on cattle
4 dipping vats in the state;

5 (2) A proposed plan for discovery and listing of
6 cattle dipping vat sites on public and private property;

7 (3) A proposed method for risk-based priority ranking
8 of sites, which considers significant factors such as the
9 proximity of populations and water resources to cattle dipping
10 vat sites;

11 (4) Proposed strategies for risk-based cleanup of
12 cattle-dipping vat sites, with a cost-benefit analysis and
13 recommended sources of funding, for sites on public and private
14 lands;

15 (5) Recommended incentives for private landowners to
16 conduct voluntary cleanup of cattle dipping vat sites on their
17 property;

18 (6) A discussion of the potential impacts on ownership
19 and transfer of ownership, including any potential claims
20 under chapter 70, Florida Statutes, if the report
21 recommendations are implemented; and

22 (7) A proposed strategy for developing partnerships
23 with the U.S. Environmental Protection Agency, the U.S.
24 Department of Agriculture, the Florida Department of health,
25 local governments, affected landowners, and other affected
26 parties to implement report recommendations that may be
27 adopted by the Legislature.

28 (8) Any recommendations made by the report, including
29 any proposed legislation, shall not distinguish differently
30 between public or private lands, and any regulatory or funding
31 strategies shall treat all properties equitably.

1 Section 12. The Department of Environmental Protection
2 and the Department of Agriculture and Consumer Services are
3 directed to work together to provide a report on cattle
4 dipping vats, with recommendations and appropriate draft
5 legislation, to the Governor, the President of the Senate, the
6 Speaker of the House of Representatives, and the chairs of the
7 appropriate substantive and fiscal committees in the Senate
8 and House of Representatives by February 1, 2000. The report
9 shall include, at a minimum"

10 (1) A summary of the current information on cattle
11 dipping vats in the state;

12 (2) A proposed plan for discovery and listing of
13 cattle dipping vat sites on public and private property;

14 (3) A proposed method for risk-based priority ranking
15 of sites, which considers significant factors such as the
16 proximity of populations and water resources to cattle dipping
17 vat sites;

18 (4) Proposed strategies for risk-based cleanup of
19 cattle-dipping vat sites, with a cost-benefit analysis and
20 recommended sources of funding, for sites on public and private
21 lands;

22 (5) Recommended incentives for private landowners to
23 conduct voluntary cleanup of cattle dipping vat sites on their
24 property;

25 (6) A discussion of the potential impacts on ownership
26 and transfer of ownership, including any potential claims
27 under chapter 70, Florida Statutes, if the report
28 recommendations are implemented; and

29 (7) A proposed strategy for developing partnerships
30 with the U.S. Environmental Protection Agency, the U.S.
31 Department of Agriculture, the Florida Department of health,

1 local governments, affected landowners, and other affected
2 parties to implement report recommendations that may be
3 adopted by the Legislature.

4 (8) Any recommendations made by the report, including
5 any proposed legislation, shall not distinguish differently
6 between public or private lands, and any regulatory or funding
7 strategies shall treat all properties equitably.

8 Section 13. This act shall take effect upon becoming a
9 law.

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