

By Senator Sullivan

22-1183-99

1 A bill to be entitled
 2 An act relating to greenways and trails;
 3 creating s. 260.0142, F.S.; creating the
 4 Florida Greenways and Trails Council within the
 5 Department of Environmental Protection;
 6 providing for the membership and duties of the
 7 council; amending s. 260.016, F.S.; providing
 8 for the powers of the department; repealing s.
 9 253.787, F.S., which provides for the Florida
 10 Greenways Coordinating Council; providing an
 11 effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:

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 15 Section 1. Section 260.0142, Florida Statutes, is
 16 created to read:

17 (1) There is created within the Department of
 18 Environmental Protection the Florida Greenways and Trails
 19 Council which shall advise the department in the execution of
 20 its powers and duties under this chapter. The department
 21 shall provide necessary staff assistance to the council.

22 (2) The council is authorized to contract for and to
 23 accept gifts, grants, loans, or other aid from the United
 24 States Government or any person or corporation.

25 (3) The duties of the council include, but are not
 26 limited to:

27 (a) Advising the Department of Environmental
 28 Protection; the Department of Community Affairs; the
 29 Department of Transportation; the Fish and Wildlife
 30 Conservation Commission; the Department of Agriculture and
 31 Consumer Services, Division of Forestry; the water management

1 districts; and the regional planning councils on policies
2 related to the Florida Greenways and Trails System and
3 promoting intergovernmental cooperation;

4 (b) Facilitating a statewide system of interconnected
5 land-based trails that connect urban, suburban, and rural
6 areas of the state and facilitating expansion of the statewide
7 system of freshwater and saltwater paddling trails;

8 (c) Recommending priorities for critical links in the
9 Florida Greenways and Trails System;

10 (d) Reviewing applications for acquisition funding
11 under the Greenways and Trails Acquisition program and
12 recommending to the Secretary of the Department of
13 Environmental Protection which projects should be acquired;

14 (e) Providing recommendations to those agencies and
15 organizations that fund acquisition, development, and
16 management of lands and promote private landowner incentives;

17 (f) Reviewing designation proposals for inclusion in
18 the Florida Greenways and Trails System;

19 (g) Providing advocacy and education to benefit the
20 statewide system of greenways and trails by encouraging
21 communication and conferencing;

22 (h) Encouraging public/private partnerships;

23 (i) Reviewing progress toward meeting established
24 benchmarks and recommending appropriate action;

25 (j) Making recommendations for updating and revising
26 the implementation plan for the Florida Greenways and Trails
27 System;

28 (k) Advising the Land Acquisition and Management
29 Advisory Council to ensure the incorporation of trails in land
30 management plans on lands managed by the Department of
31 Environmental Protection; the Fish and Wildlife Conservation

1 Commission; the Department of State, Division of Historical
2 Resources; and the Department of Agriculture and Consumer
3 Services, Division of Forestry;

4 (l) Providing advice and assistance to the Department
5 of Transportation and the water management districts regarding
6 the incorporation of trails into their planning efforts;

7 (m) Encouraging land use, environmental, and
8 coordinated linear infrastructure planning to facilitate the
9 implementation of local, regional, and statewide greenways and
10 trails systems;

11 (n) Promoting greenways and trails support
12 organizations; and

13 (o) Supporting the Florida Greenways and Trails System
14 in any other appropriate way.

15 (4) The council is to be composed of 21 members,
16 consisting of:

17 (a) Ten members appointed by the Secretary of the
18 Department of Environmental Protection which includes the
19 Secretary of the Department of Environmental Protection or a
20 designee and one representative from the Department of
21 Agriculture and Consumer Services, Division of Forestry; the
22 Fish and Wildlife Conservation Commission; the Department of
23 Community Affairs; the Department of Transportation; the
24 Department of State, Division of Historical Resources; and one
25 member representing the five water management districts
26 created by chapter 373; one member representing regional
27 planning councils; one member representing local governments;
28 and one member representing a federal land management agency
29 in the state.

30 (b) Five members appointed by the Governor, with two
31 appointments to be representative of the trail user community,

1 two appointments to be representative of the greenway user
2 community, and one appointment to be representative of
3 landowners. Of the initial appointments, two shall be
4 appointed for 2-year terms and three shall be appointed for
5 1-year terms. Subsequent appointments shall be for terms of 2
6 years.

7 (c) Three members appointed by the President of the
8 Senate, with one appointment to be representative of the trail
9 user community and two appointments to be representative of
10 the greenway user community. Of the initial appointments, two
11 shall be appointed for 2-year terms and one shall be appointed
12 for a 1-year term. Subsequent appointments shall be for terms
13 of 2 years.

14 (d) Three members appointed by the Speaker of the
15 House of Representatives, with two appointments to be
16 representative of the trail user community and one appointment
17 to be representative of the greenway user community. Of the
18 initial appointments, two shall be appointed for 2-year terms
19 and one shall be appointed for a 1-year term. Subsequent
20 appointments shall be for terms of 2 years.

21 (e) Those eligible to represent the trail user
22 community shall be chosen from, but not be limited to, paved
23 trail users, hikers, off-road bicyclists, paddlers,
24 equestrians, disabled outdoor recreational users, and
25 commercial recreational interests. Those eligible to
26 represent the greenway user community shall be chosen from,
27 but not be limited to, conservation organizations, nature
28 study organizations, and scientists or university experts.

29 (f) The council shall determine who shall serve as
30 chair through its operating procedures. The council shall
31 meet at the call of the chair, or at such times as may be

1 prescribed by its operating procedures. The council may
2 establish committees to conduct the work of the council and
3 the committees may include non-members as appropriate.

4 (g) A vacancy shall be filled for the remainder of the
5 unexpired term in the same manner as the original appointment.
6 Members whose terms have expired may continue to serve until
7 replaced or reappointed. No member shall serve on the council
8 for more than two consecutive terms.

9 (h) Members of the council shall not receive any
10 compensation for their services but shall be reimbursed for
11 travel and expenses incurred in the performance of their
12 duties, as provided in s. 112.061.

13 Section 2. Subsections (1) and (2) of section 260.016,
14 Florida Statutes, 1998 Supplement, are amended to read:

15 260.016 General powers of the department.--

16 (1) The department may:

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

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

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

31 1. Establishing a designation process.

1 2. Negotiating and executing agreements with private
2 landowners.

3 3. Establishing prohibited activities or restrictions
4 on activities to protect the health, safety, and welfare of
5 the public.

6 4. Charging fees for use.

7 5. Providing public access.

8 6. Providing for maintenance.

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

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

16 (d) Coordinate the activities of all governmental
17 units and bodies and special districts that desire to
18 participate in the development of the Florida Greenways and
19 Trails System.

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

28 (e)(f) Establish, develop, and publicize greenways and
29 saltwater paddling trails in a manner that will permit public
30 recreation, when appropriate, without damaging natural
31 resources. The Big Bend Historic Saltwater Paddling Trail from

1 the St. Marks River to the Suwannee River is hereby designated
2 as part of the Florida Greenways and Trails System. Additions
3 to this trail may be added by the department from time to time
4 as part of a statewide saltwater circumnavigation trail.

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

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

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

24 ~~(2) The department shall:~~

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

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

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

6 3. Costs of acquisition, development, operation, and
7 maintenance.

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

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

21 (k)~~(d)~~ Develop and implement a process for designation
22 of lands as a part of the statewide system of greenways and
23 trails, which shall include:

24 1. Development and dissemination of criteria for
25 designation.

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

1 made in the designation agreement for disposition of any
2 future improvements made to the land by the department.

3 3. Compilation of available information on and field
4 verification of the characteristics of the lands as they
5 relate to the developed criteria.

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

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

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

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

20 (6) Implement the plan for the Florida Greenways and
21 Trails System as adopted by the Florida Greenways Coordinating
22 Council on September 11, 1998.

23 Section 3. Section 253.787, Florida Statutes, is
24 repealed.

25 Section 4. This act shall take effect upon becoming a
26 law.

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29 SENATE SUMMARY

30 Creates the Florida Greenways and Trails Council within
31 the Department of Environmental Protection and provides
for its membership and duties. Repeals the Florida
Greenways Coordinating Council.