

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2406

SPONSOR: Senator Bennett

SUBJECT: Recreational Trails System

DATE: April 3, 2003

REVISED: 04/07/2003 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Molloy</u>	<u>Kiger</u>	<u>NR</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>CP</u>	_____
3.	_____	_____	<u>GO</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This bill expands the Legislature's established intent to officially recognize the Florida National Scenic Trail as Florida's official statewide trail by encouraging the purchase of lands which contain a portion of the trail. Agencies purchasing lands are encouraged to award priority points for acquisitions of parcels that contain a portion of the trail.

This bill amends s. 260.012, F.S.

## II. Present Situation:

### National Scenic Trail System

The National Scenic Trail System Act of 1968 created a program for the preservation of trail corridors that typically allow hiking and sometimes horseback riding, but not mechanized transport. The trails are generally long, and frequently cross state lines. Three categories of trails were created in the 1968 Act: national scenic trails, national recreation trails, and side-and-connecting trails. In 1978, Congress created a fourth category known as national historic trails. The national scenic trails are long-distance trails running more than 100 miles and are created through an Act of Congress. The Florida National Scenic Trail is one of eight national trails in existence right now.

### Florida Trail / Florida National Scenic Trail

In 1979, the Legislature enacted Chapter 79-110, Laws of Florida, entitled the Florida Recreational Trails Act of 1979. The purpose of the Act was to provide for a network of trails to be used for hiking, biking, horseback riding, and jogging. Also, the Act proposed to establish a series of canoe trails. In developing the Recreational Trail System, the Department of Environmental Protection (DEP) (formerly the Department of Natural Resources) was

encouraged to use areas within or connecting state parks and forests, national parks and forests, local parks, public rights-of-way, and existing trails.

In 1983, the Florida Trail was designated as a Florida National Scenic Trail. More than 700 miles of the trail are certified. When completed, the Florida National Scenic Trail will stretch at least 1,300 miles from the Panhandle of Florida down to Big Cypress National Park in South Florida. Portions of the trail are components of the Florida Greenways and Trails Program, the successor to the Recreational Trails System.

In 1987, the Florida Rails to Trails Program at DEP was created to provide an emphasis on the acquisition and development of abandoned rail corridors for use as public recreational trails, and to contribute to the preservation of wildlife habitat. Many railroad lines run along river corridors and coastal plains, areas with the most scenic views and productive habitat. Until 1990, the program depended on annual legislative appropriations, but the creation of the Florida Preservation 2000 (P2000) Program changed that. The P2000 Program was created as a 10-year, \$3 billion bond program to acquire environmentally sensitive lands for conservation, protection, restoration, and preservation purposes. The Rails to Trails Program was provided with \$3.9 million a year in funding under P2000 through 1996.

In 1996, the Florida Legislature enacted Chapter 96-389, Laws of Florida, which renamed the Recreational Trails System Act as the Florida Greenways and Trails Act, and which provided for a statewide system of greenways and trails for recreational and conservation purposes and uses. Greenways were defined to be "linear open spaces established along either a natural corridor, such as a riverfront, stream valley, or ridgeline, or over land along a railroad-right-of-way converted to recreational use..." and trails were defined to mean "linear corridors and any adjacent support parcels on land or water providing public access for recreation or authorized alternative modes of transportation". P2000 funding for Rails to Trails was extended until the year 2000, and has been succeeded by funding provided through the Florida Forever Program, as well as other state and federal funding and grant programs.

Other programs that can provide funding include the Florida Communities Trust Program at the Department of Community Affairs, which can provide grants to city and counties for the acquisition of greenways and trails, and related access locations, and the Florida Recreation Development Assistance Program (FRDAP) at the DEP which provides funding for the acquisition or development of lands for recreational trails, as well as the acquisition or development of land for public outdoor recreation purposes.

### **Florida Trail Association**

The Florida Trail Association is a private, non-profit volunteer organization founded in 1966 whose goal is the development of a continuous hiking trail that runs the length of the state. Association volunteers are responsible for building and maintaining the continuous foot path, as well as the loop and side trails throughout the state.<sup>1</sup>

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<sup>1</sup> "Florida's Footpath Forever", *Florida Trail Association Trailhead*, [www.florida-trail.org](http://www.florida-trail.org)

**III. Effect of Proposed Changes:**

See summary.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Natural Resources:

The amendment adds the following provisions to the bill:

- Provides limited liability to a private property owner whose property is designated as part of a local government system of greenways and trails.
- Agencies or governmental entities responsible for managing a trail system must post notices at the entrances of designated greenways or trails to inform the public that the land adjacent to the greenway or trail is private property, and that entry is prohibited and constitutes trespassing (currently a DEP responsibility).

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- A person who files suit against a private land owner who has allowed the use of private property as a greenway or trail is liable for attorney's fees and costs if that person does not prevail in the filed lawsuit.
  - Attorneys are also liable for fees and costs if they knowingly file suit on behalf of a person injured when using a trail or greenway established by the state or a local government, and the injured person does not prevail.
  - Repeals provisions providing that members of the Florida Greenways and Trails Council may only serve two consecutive terms. (WITH TITLE AMENDMENT)

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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