

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 985 w/CS Florida National Scenic Trail Trust Fund
SPONSOR(S): Galvano
TIED BILLS: **IDEN./SIM. BILLS:** SB 2406

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Natural Resources	17 Y, 0 N w/CS	Camechis	Lotspeich
2) Agriculture & Environment Apps. (Sub)		Dixon	Dixon
3) Appropriations			
4)			
5)			

SUMMARY ANALYSIS

This bill expands the Legislature's 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.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Florida National Scenic Trail

In 1983, the Florida National Scenic Trail (“FNST”) was added to the national trails system created by the National Trails System Act, and the U.S. Secretary of Agriculture and the Secretary of the Interior were authorized to administer those segments of the trail located in national forests and national parks. Although portions of the FNST are administered by the federal government, land over which the trail passes may be publicly or privately held.¹ To date, the Florida Trails Association, a private, volunteer-based organization, has been primarily responsible for the development and maintenance of the FNST, in cooperation with the US Forestry Service and many public land managers whose land the FNST crosses.

Upon completion, the FNST will extend 1300 miles from Big Cypress National Preserve in South Florida through Florida's three national forests to Gulf Islands National Seashore in the western panhandle, crossing or touching 42 of Florida's 67 counties.² Approximately 1,000 miles of the FSNT has been constructed on public and private lands; however, only 620 miles of the trail has been certified as meeting minimum federal standards, and significant gaps totaling approximately 300 miles separate completed portions of the trail.³

In 1979, the Legislature enacted the Florida Greenways and Trails Act (“Act”) setting forth the State's goal of developing a statewide system of greenways and trails for recreational and conservation purposes.⁴ Section 260.012(6), F.S., recognizes the FNST as Florida's official statewide trail from the Florida Panhandle to the Everglades, and encourages all state, regional, and local agencies who acquire lands to include in their land-buying efforts the acquisition of sufficient legal interest in the lands over which the trail passes to ensure its continued existence in a permanent location.

Section 260.0141, F.S., establishes the Florida Greenways and Trails Program within the Florida Department of Environmental Protection (“DEP”) to facilitate the establishment of the statewide system of greenways and trails, and provides that such greenways and trails be acquired pursuant to the Act. Section 260.0142, F.S., creates the Florida Greenways and Trails Council within the DEP. The purpose of the Council is to advise the DEP in the execution of its duties with respect to the establishment of greenways and trails pursuant to the Act. The Council's duties include recommending

¹ <http://www.fs.fed.us/recreation/programs/trails/index.shtml>

² <http://www.fs.fed.us/recreation/programs/trails/index.shtml>

³ <http://www.fs.fed.us/recreation/programs/trails/index.shtml>

⁴ Ch. 260, F.S.

priorities for critical links in the Florida Greenways and Trails System, reviewing and recommending applications for acquisition under the Florida Greenways and Trails Program, and recommending projects to be acquired.

The statutes do not contain a requirement that land over which the FNST passes be given priority in the state land acquisition process, and state funds are not specifically dedicated for the purchase of legal interest in private property necessary to complete the FNST.

Florida Greenways and Trails Council

Section 260.0142, F.S., creates the Florida Greenways and Trails Council to advise the Department of Environmental Protection in the establishment of a statewide system of greenways and trails pursuant to ch. 260, F.S. The Council is composed of 21 members: 5 appointed by the Governor, 3 appointed by the President of the Senate, 3 appointed by the Speaker of the House, and 10 representatives of certain governmental agencies. Members serve two-year terms, and are prohibited by s. 260.0142, F.S., from serving more than two consecutive terms.

Effect of Proposed Changes

This bill amends s. 260.012(6), F.S., to expand the Legislature's 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.

The bill also amends s. 260.0142(6), F.S., to repeal the provision prohibiting members of the Florida Greenways and Trails Council from serving more than two consecutive terms.

C. SECTION DIRECTORY:

Section 1. Amends s. 260.012(6), F.S., relating to priority points for acquisitions of parcels containing a portion of the trail.

Section 2. Amends s. 260.0142(6), F.S., relating to the terms of members of the Florida Greenways and Trails Council.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.

2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.

2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The completion of the Florida National Scenic Trail may result in an indeterminate economic benefit to communities bordering the FNST due to increased usage. Additionally, owners of private property across which the FNST passes will benefit if the resources are dedicated for the purpose of purchasing sufficient legal interest in private property necessary to complete the FNST.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not affect municipal or county government.

2. Other:

None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On April 9, 2003, the Committee on Natural Resources amended the bill as follows:

- Deleted provisions creating the Florida National Scenic Trail Trust Fund and transferring \$20,000,000 to that trust fund from the Florida Forever Trust Fund.
- Amended s. 260.012(6), F.S., to encourage agencies acquiring lands to award priority points for acquisitions of parcels that contain a portion of the trail.
- Amended s. 260.0142(6), F.S., to delete a provision prohibiting members of the Florida Greenways and Trails Council from serving more than two consecutive terms.