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A bill to be entitled

An act relating to greenways and trails; renaming ch. 260, F.S., the "Florida Greenways and Trails Act"; amending s. 260.011, F.S.; providing a popular name; correcting a reference; amending s. 260.012, F.S.; revising legislative intent; amending s. 260.0125, F.S.; requiring written landowner authorization for public access to private lands; requiring the Department of Environmental Protection to provide certain notice; amending s. 260.013, F.S.; revising and providing definitions; amending s. 260.0141, F.S.; removing a provision relating to acquisition of greenways and trails; amending s. 260.0142, F.S.; extending the terms of certain appointees to the Florida Greenways and Trails Council; revising duties of council members; amending s. 260.015, F.S.; removing provisions for appraisal of certain property by the department; amending s. 260.016, F.S.; revising powers of the department with regard to access routes and evaluation of lands for acquisition; creating s. 260.020, F.S.; establishing legislative intent regarding colocation of multiuse trails in linear corridors that include certain facilities; amending s. 110.501, F.S.; conforming a reference; amending s. 259.105, F.S.; providing an additional criterion for evaluation of Florida Forever projects; creating s. 335.067, F.S.; creating the Conserve by Bicycle Program within the Department of Transportation; providing purposes; requiring the department, in conjunction with specified organizations, to conduct a Conserve by Bicycle study; requiring the

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30 study to be submitted to the Governor and Legislature;
 31 providing an appropriation; amending s. 373.199, F.S.;
 32 providing for inclusion of the Florida National Scenic
 33 Trail in Florida Forever water management districts'
 34 recommended projects lists; amending s. 378.036, F.S.;
 35 providing a definition for purposes of land acquisition;
 36 exempting Florida Mining-Recreation, Inc., from the tax on
 37 sales, use, and other transactions; permitting certain
 38 funds to be paid directly to the Florida Mining-
 39 Recreation, Inc.; providing for uses of the funds;
 40 exempting the corporation from competitive bidding
 41 requirements; clarifying audit and inventory requirements;
 42 amending s. 380.503, F.S.; revising a definition; amending
 43 s. 380.507, F.S.; including the Florida National Scenic
 44 Trail in a list of projects relating to natural resources
 45 conservation supported by the Florida Communities Trust;
 46 revising provisions relating to the acquisition of certain
 47 lands; providing an effective date.

48
 49 Be It Enacted by the Legislature of the State of Florida:

50
 51 Section 1. Chapter 260, Florida Statutes, entitled
 52 "Recreational Trails System" is renamed "Florida Greenways and
 53 Trails Act."

54 Section 2. Section 260.011, Florida Statutes, is amended
 55 to read:

56 260.011 Popular name ~~Short title.~~--Sections 260.011-
 57 260.020 ~~260.011-260.018~~ shall be known by the popular name ~~and~~
 58 ~~may be cited as~~ the "Florida Greenways and Trails Act."

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59 Section 3. Subsections (1), (2), (5), and (6) of section
 60 260.012, Florida Statutes, are amended to read:

61 260.012 Declaration of policy and legislative intent.--

62 (1) In order to recognize the benefits of the outdoor
 63 areas of Florida, and in order to conserve, develop, and use the
 64 natural resources of this state for healthful and recreational
 65 purposes, it is declared to be the public policy of this state
 66 and the purpose of ss. 260.011-260.020 ~~260.011-260.018~~ to
 67 provide the means and procedures for establishing and expanding
 68 a statewide system of greenways and trails for recreational and
 69 conservation purposes and which shall be designated as the
 70 "Florida Greenways and Trails System." The standards by which
 71 the greenways and trails system shall be acquired, designated,
 72 administered, maintained, used, and expanded shall be consistent
 73 with the provisions of ss. 260.011-260.020 ~~260.011-260.018~~. It
 74 is the intent of the Legislature that these greenways and trails
 75 will serve to implement the concepts of ecosystems management
 76 while providing, where appropriate, recreational opportunities,
 77 including, but not limited to, equestrian activities ~~horseback~~
 78 ~~riding~~, hiking, bicycling, canoeing, jogging, and historical and
 79 archaeological interpretation, thereby improving the health and
 80 welfare of the people.

81 (2) It is the intent of the Legislature that a statewide
 82 system of greenways and trails be established to provide open
 83 space benefiting environmentally sensitive lands and wildlife
 84 and providing people with access to healthful outdoor
 85 activities. It is also the intent of the Legislature to acquire
 86 or designate lands and waterways to facilitate the establishment
 87 of a statewide system of greenways and trails; to encourage the

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88 multiple use of public rights-of-way and use to the fullest
 89 extent existing and future scenic roads, highways, park roads,
 90 parkways, greenways, trails, and national recreational trails;
 91 to encourage the development of greenways and trails by
 92 counties, cities, ~~and~~ special districts, and nongovernmental
 93 organizations and to assist in such development by any means
 94 available; to coordinate greenway and trail plans and
 95 development by local governments with one another and with the
 96 state government and Federal Government; to encourage, whenever
 97 possible, the development of greenways and trails on federal
 98 lands by the Federal Government; and to encourage the owners of
 99 private lands to protect the existing ecological, historical,
 100 and cultural values of their lands, including those values
 101 derived from working landscapes.

102 (5) The planning, development, operation, and maintenance
 103 of the Florida Greenways and Trails System authorized by ss.
 104 260.011-260.020 ~~260.011-260.018~~ is declared to be a public
 105 purpose, and the Department of Environmental Protection,
 106 together with other agencies of this state and all counties,
 107 municipalities, and special districts of this state, is
 108 authorized to spend public funds for such purposes and to accept
 109 gifts and grants of funds, property, or property rights from
 110 public or private sources to be used for such purposes.

111 (6) It is the intent of the Legislature to officially
 112 recognize the Florida National Scenic Trail as Florida's
 113 official statewide trail from the Florida Panhandle to the
 114 Everglades. It is also the intent of the Legislature to
 115 encourage all state, regional, and local agencies who acquire
 116 lands to include in their land-buying efforts the acquisition of

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117 sufficient legal interest in the lands over which the trail
 118 passes to ensure its continued existence in a permanent
 119 location. Each state, regional, and local agency shall, to the
 120 extent that it is not already occurring, give enhanced
 121 consideration for acquisitions within its land-buying processes
 122 to any parcel of land proposed to be purchased which will assist
 123 in permanently establishing the trail consistent with the route
 124 determined by the United States Forest Service and the Florida
 125 Trail Association. To further advance the efforts to acquire a
 126 permanent location for the trail, the state's land-buying
 127 agencies are encouraged to consider the trail a single project
 128 with multiple phases for the purpose of listing and acquisition.
 129 The inclusion of private funds in any purchase shall be a
 130 positive consideration in any ranking process for acquisition.

131 Section 4. Subsection (7) of section 260.0125, Florida
 132 Statutes, is renumbered as subsection (8), and a new subsection
 133 (7) is added to said section to read:

134 260.0125 Limitation on liability of private landowners
 135 whose property is designated as part of the statewide system of
 136 greenways and trails.--

137 (7) When the department determines that public access is
 138 appropriate for greenways and trails on private lands, written
 139 authorization must be granted by the private landowner to the
 140 department permitting public access to all or a specified part
 141 of the landowner's property. The determination of the department
 142 shall be noticed pursuant to s. 120.525, and the department
 143 shall also notify the private landowner by certified mail at
 144 least 7 days before any public meeting regarding the intent to
 145 designate.

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146 Section 5. Section 260.013, Florida Statutes, is amended
 147 to read:

148 260.013 Definitions.--As used in ss. 260.011-260.020
 149 ~~260.011-260.018~~, unless the context otherwise requires:

150 (1) "Board" means the Board of Trustees of the Internal
 151 Improvement Trust Fund.

152 (2) "Department" means the Department of Environmental
 153 Protection.

154 (3) "Designation" means the identification and inclusion
 155 of specific lands and waterways as part of the statewide system
 156 of greenways and trails pursuant to a formal public process,
 157 including the specific written consent of the landowner. ~~When~~
 158 ~~the department determines that public access is appropriate for~~
 159 ~~greenways and trails, written authorization must be granted by~~
 160 ~~the landowner to the department permitting public access to all~~
 161 ~~or a specified part of the landowner's property. The~~
 162 ~~department's determination shall be noticed pursuant to s.~~
 163 ~~120.525, and the department shall also notify the landowner by~~
 164 ~~certified mail at least 7 days before any public meeting~~
 165 ~~regarding the intent to designate.~~

166 (4) "Greenway" means a linear open space established along
 167 either a natural corridor, such as a riverfront, stream valley,
 168 or ridgeline, or over land along a railroad right-of-way
 169 converted to recreational use, a canal, a scenic road, or other
 170 route; any natural or landscaped course for recreation
 171 ~~pedestrian or bicycle passage~~; an open space connector linking
 172 parks, nature reserves, cultural features, or historic sites
 173 with each other and populated areas; or a local strip or linear
 174 park designated as a parkway or greenbelt.

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175 (5) "Office" means the Office of Greenways and Trails of
 176 the Department of Environmental Protection.

177 (6)(5) "Trails" means linear corridors and any adjacent
 178 support parcels on land or water providing public access for
 179 recreation or authorized alternative modes of transportation.

180 Section 6. Section 260.0141, Florida Statutes, is amended
 181 to read:

182 260.0141 Greenways and Trails Program.--There is
 183 established within the department the "Florida Greenways and
 184 Trails Program," the purpose of which is to facilitate the
 185 establishment of a statewide system of greenways and trails.
 186 ~~Such greenways and trails shall be acquired pursuant to this~~
 187 ~~act.~~ Planning materials, maps, data, and other information
 188 developed or used in the program shall not be construed as
 189 designation of lands as part of the statewide system of
 190 greenways and trails. Identification of lands in such
 191 information shall not:

192 (1) Require or empower any unit of local or regional
 193 government, or any state agency, to impose additional or more
 194 restrictive environmental, land-use, or zoning regulations;

195 (2) Be construed or cited as authority to adopt, enforce,
 196 or amend any environmental rule or regulation; comprehensive
 197 plan goals, policies, or objectives; or zoning or land-use
 198 ordinance;

199 (3) Be used as the basis for permit denial; imposition of
 200 any permit condition; or application of any rule, regulation, or
 201 ordinance by any subdivision of local, regional, or state
 202 government; or

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203 (4) Be construed or cited as authority by any governmental
 204 agency to reduce or restrict the rights of owners of lands so
 205 identified.

206 Section 7. Section 260.0142, Florida Statutes, is amended
 207 to read:

208 260.0142 Florida Greenways and Trails Council;
 209 composition; powers and duties.--

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

215 (a) Five members appointed by the Governor, with two
 216 members representing the trail user community, two members
 217 representing the greenway user community, and one member
 218 representing private landowners. ~~Of the initial appointments,~~
 219 ~~two shall be appointed for 2-year terms and three shall be~~
 220 ~~appointed for 1-year terms. Subsequent appointments shall be for~~
 221 ~~2-year terms.~~

222 (b) Three members appointed by the President of the
 223 Senate, with one member representing the trail user community
 224 and two members representing the greenway user community. ~~Of the~~
 225 ~~initial appointments, two shall be appointed for 2-year terms~~
 226 ~~and one shall be appointed for a 1-year term. Subsequent~~
 227 ~~appointments shall be for 2-year terms.~~

228 (c) Three members appointed by the Speaker of the House of
 229 Representatives, with two members representing the trail user
 230 community and one member representing the greenway user
 231 community. ~~Of the initial appointments, two shall be appointed~~

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232 ~~for 2-year terms and one shall be appointed for a 1-year term.~~

233 ~~Subsequent appointments shall be for 2-year terms.~~

234

235 Those eligible to represent the trail user community shall be
 236 chosen from, but not be limited to, paved trail users, hikers,
 237 off-road bicyclists, paddlers, equestrians, disabled outdoor
 238 recreational users, and commercial recreational interests. Those
 239 eligible to represent the greenway user community shall be
 240 chosen from, but not be limited to, conservation organizations,
 241 nature study organizations, and scientists and university
 242 experts.

243 (d) The 10 remaining members shall include:

244 1. The Secretary of Environmental Protection or a
 245 designee;

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

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

249 4. The Secretary of Transportation or a designee;

250 5. The Director of the Division of Forestry of the
 251 Department of Agriculture and Consumer Services or a designee;

252 6. The director of the Division of Historical Resources of
 253 the Department of State or a designee;

254 7. A representative of the water management districts ~~who~~
 255 ~~shall serve for 1 year~~. Membership on the council shall rotate
 256 among the five districts. The districts shall determine the
 257 order of rotation;

258 8. A representative of a federal land management agency.
 259 The Secretary of Environmental Protection shall identify the

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260 appropriate federal agency and request designation of a
 261 representative from the agency to serve on the council;

262 9. A representative of the regional planning councils to
 263 be appointed by the Secretary of Environmental Protection, in
 264 consultation with the Secretary of Community Affairs, ~~for a~~
 265 ~~single 2-year term.~~ Membership on the council shall rotate among
 266 the seven regional planning councils. The regional planning
 267 councils shall determine the order of rotation ~~The~~
 268 ~~representative shall not be selected from the same regional~~
 269 ~~planning council for successive terms; and~~

270 10. A representative of local governments to be appointed
 271 by the Secretary of Environmental Protection, in consultation
 272 with the Secretary of Community Affairs, for a single 2-year
 273 term. Membership shall alternate between a county representative
 274 and a municipal representative.

275 (2) The department shall provide necessary staff
 276 assistance to the council.

277 (3) The terms of all appointees shall be for 2 years
 278 unless otherwise specified. The appointees of the Governor, the
 279 President of the Senate, and the Speaker of the House of
 280 Representatives may be reappointed for no more than four
 281 consecutive terms. The representatives of the water management
 282 districts, regional planning councils, and local governments may
 283 be reappointed for no more than two consecutive terms. All other
 284 appointees shall serve until replaced. ~~The council is authorized~~
 285 ~~to contract for and to accept gifts, grants, or other aid from~~
 286 ~~the United States Government or any person or corporation.~~

287 (4) The duties of the council shall include, ~~but not be~~
 288 ~~limited to,~~ the following:

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289 ~~(a) Advise the Department of Environmental Protection, the~~
 290 ~~Department of Community Affairs, the Department of~~
 291 ~~Transportation, the Fish and Wildlife Conservation Commission,~~
 292 ~~the Division of Forestry of the Department of Agriculture and~~
 293 ~~Consumer Services, the water management districts, and the~~
 294 ~~regional planning councils on policies relating to the Florida~~
 295 ~~Greenways and Trails System, and promote intergovernmental~~
 296 ~~cooperation;~~

297 (a)~~(b)~~ Facilitate a statewide system of interconnected
 298 landscape linkages, conservation corridors, greenbelts,
 299 recreational corridors and trails, scenic corridors, utilitarian
 300 corridors, reserves, regional parks and preserves, ecological
 301 sites, and cultural/historic/recreational sites using;

302 ~~(c) Facilitate a statewide system of interconnected land-~~
 303 ~~based trails that connect urban, suburban, and rural areas of~~
 304 ~~the state and facilitate expansion of the statewide system of~~
 305 ~~freshwater and saltwater paddling trails.~~

306 (b)~~(d)~~ Recommend priorities for critical links in the
 307 Florida Greenways and Trails System.

308 (c)~~(e)~~ Review recommendations of the office applications
 309 for acquisition funding under the Florida Greenways and Trails
 310 Program and recommend to the Secretary of Environmental
 311 Protection which projects should be acquired.

312 ~~(f) Provide funding recommendations to agencies and~~
 313 ~~organizations regarding the acquisition, development, and~~
 314 ~~management of greenways and trails, including the promotion of~~
 315 ~~private landowner incentives;~~

316 (d)~~(g)~~ Review designation proposals for inclusion in the
 317 Florida Greenways and Trails System.

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318 ~~(h) Provide advocacy and education to benefit the~~
 319 ~~statewide system of greenways and trails by encouraging~~
 320 ~~communication and conferencing;~~

321 (e)(i) Encourage public-private partnerships to develop
 322 and manage greenways and trails.;

323 (f)(j) Review progress toward meeting established
 324 benchmarks and recommend appropriate action.;

325 (g)(k) Make recommendations for updating and revising the
 326 implementation plan for the Florida Greenways and Trails
 327 System.;

328 ~~(l) Advise the Land Acquisition and Management Advisory~~
 329 ~~Council or its successor to ensure the incorporation of~~
 330 ~~greenways and trails in land management plans on lands managed~~
 331 ~~by the Department of Environmental Protection, the Fish and~~
 332 ~~Wildlife Conservation Commission, the Division of Historical~~
 333 ~~Resources of the Department of State, and the Division of~~
 334 ~~Forestry of the Department of Agriculture and Consumer Services;~~

335 ~~(m) Provide advice and assistance to the Department of~~
 336 ~~Transportation and the water management districts regarding the~~
 337 ~~incorporation of greenways and trails into their planning~~
 338 ~~efforts;~~

339 ~~(n) Encourage land use, environmental, and coordinated~~
 340 ~~linear infrastructure planning to facilitate the implementation~~
 341 ~~of local, regional, and statewide greenways and trails systems;~~

342 (h)(o) Promote greenways and trails support
 343 organizations.;

344 (i)(p) Support the Florida Greenways and Trails System
 345 through intergovernmental coordination, budget recommendations,
 346 advocacy, and education and in any other appropriate way.

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347 (5) The council shall establish procedures for conducting
 348 its affairs in execution of the duties and responsibilities
 349 stated in this section, which operating procedures shall include
 350 determination of a council chair and other appropriate
 351 operational guidelines. The council shall meet at the call of
 352 the chair, or at such times as may be prescribed by its
 353 operating procedures. The council may establish committees to
 354 conduct the work of the council and the committees may include
 355 nonmembers as appropriate.

356 (6) A vacancy on the council shall be filled for the
 357 remainder of the unexpired term in the same manner as the
 358 original appointment. Members whose terms have expired may
 359 continue to serve until replaced or reappointed. ~~No member shall~~
 360 ~~serve on the council for more than two consecutive terms.~~

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

365 Section 8. Subsections (1) and (3) of section 260.015,
 366 Florida Statutes, are amended to read:

367 260.015 Acquisition of land.--

368 (1) The department is authorized to acquire by gift or
 369 purchase the fee simple absolute title or any lesser interest in
 370 land, including easements, for the purposes of ss. 260.011-
 371 260.020 ~~260.011-260.018~~ pursuant to the provisions of chapter
 372 375, except that:

373 (a) The department's power of eminent domain shall be
 374 limited to curing defects in title accepted by the board
 375 pursuant to subsection (2).

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376 (b) Lists of proposed acquisitions for the Florida
 377 Greenways and Trails Program shall be prepared according to
 378 procedures adopted by the department.

379 (c) Projects acquired under this chapter shall not be
 380 subject to the evaluation and selection procedures of s.
 381 259.035, regardless of the estimated value of such projects. All
 382 projects shall be acquired in accordance with the acquisition
 383 procedures of chapter 259, except that the department may use
 384 the appraisal procedure used by the Department of Transportation
 385 to acquire transportation rights-of-way. ~~When a parcel is~~
 386 ~~estimated to be valued at \$100,000 or less and the department~~
 387 ~~finds that the costs of obtaining an outside appraisal are not~~
 388 ~~justified, an appraisal prepared by the department may be used.~~

389 (3) Easements, licenses, and use agreements upon, over,
 390 under, across, or along any land, the fee title of which has
 391 been acquired for the purposes of ss. 260.011-260.020 ~~260.011-~~
 392 ~~260.018~~, may be granted by the department so long as the use of
 393 the easement, license, or use agreement does not interfere with
 394 the purposes of ss. 260.011-260.020 ~~260.011-260.018~~.

395 Section 9. Subsection (1) and paragraph (a) of subsection
 396 (2) of section 260.016, Florida Statutes, are amended to read:

260.016 General powers of the department.--

(1) The department may:

399 (a) Publish and distribute appropriate maps of ~~designated~~
 400 greenways and trails. ~~The description shall include a~~
 401 ~~generalized map delineating the area designated, location of~~
 402 ~~suitable ingress and egress sites, as well as other points of~~
 403 ~~interest to enhance the recreational opportunities of the~~
 404 ~~public.~~

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405 ~~(b) Establish access routes and related public-use~~
406 ~~facilities along greenways and trails which will not~~
407 ~~substantially interfere with the nature and purposes of the~~
408 ~~greenway or trail.~~

409 (b)(e) Adopt appropriate rules to implement or interpret
410 this act and portions of chapter 253 relating to greenways and
411 trails, which may include, but are not limited to, rules for the
412 following:

- 413 1. Establishing a designation process.
- 414 2. Negotiating and executing agreements with private
415 landowners.
- 416 3. Establishing prohibited activities or restrictions on
417 activities to protect the health, safety, and welfare of the
418 public.
- 419 4. Charging fees for use.
- 420 5. Providing public access.
- 421 6. Providing for maintenance.
- 422 7. Any matter necessary to the evaluation, selection,
423 operation, and maintenance of greenways and trails.

424
425 Any person who violates or otherwise fails to comply with the
426 rules adopted pursuant to subparagraph 3. commits a noncriminal
427 infraction for which a fine of up to \$500 may be imposed.

428 (c)(d) Coordinate the activities of all governmental units
429 and bodies and special districts that desire to participate in
430 the development and implementation of the Florida Greenways and
431 Trails System.

432 (d)(e) Establish, develop, and publicize greenways and
433 trails in a manner that will permit public recreation when

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434 appropriate without damaging natural resources. The Big Bend
 435 Historic Saltwater Paddling Trail from the St. Marks River to
 436 Yankeetown is hereby designated as part of the Florida Greenways
 437 and Trails System. Additions to this trail may be added by the
 438 department from time to time as part of a statewide saltwater
 439 circumnavigation trail.

440 (e)~~(f)~~ Enter into agreements with any federal, state, or
 441 local governmental agency, or any other entity for the
 442 management of greenways and trails for recreation and
 443 conservation purposes consistent with the intent of this
 444 chapter. Such entities must demonstrate their capabilities of
 445 management for the purposes defined in ss. 260.011-260.020
 446 ~~260.011-260.018~~.

447 (f)~~(g)~~ Charge reasonable fees or rentals for the use or
 448 operation of facilities and concessions. All such fees, rentals,
 449 or other charges collected shall be deposited in the account or
 450 trust fund of the managing entity.

451 (g)~~(h)~~ Receive or accept from any legal source, grants for
 452 the purpose of providing or improving public greenways and
 453 trails, and the department is authorized to disburse funds as
 454 pass-through grants to federal, state, or local government
 455 agencies, recognized tribal units, or to nonprofit entities
 456 created for this purpose. The department has authority to adopt
 457 rules pursuant to ss. 120.536(1) and 120.54 to implement the
 458 provisions of this subsection. Such rules shall provide, but are
 459 not limited to, the following: procedures for grant
 460 administration and accountability; eligibility, selection
 461 criteria; maximum grant amounts and number of pending grants;

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462 dedication requirements; and conversion procedures and
 463 requirements.

464 (2) The department shall:

465 (a) Evaluate lands for the acquisition of greenways and
 466 trails and compile a list of suitable corridors, greenways, and
 467 trails, ranking them in order of priority for proposed
 468 acquisition. The department shall devise a method of evaluation
 469 which includes, but is not limited to, the consideration of the
 470 importance and function of such corridors within the statewide
 471 system as reflected on the opportunity maps and the landowners'
 472 willingness to negotiate.

473 Section 10. Section 260.020, Florida Statutes, is created
 474 to read:

475 260.020 Colocating of trails.--The Legislature recognizes
 476 the importance of the colocation of multiuse recreational trails
 477 within appropriate linear corridors throughout the state that
 478 are presently, or in the future shall be, the location of
 479 various facilities used to supply the public with electricity,
 480 natural gas, water, sewers, drainage, flood control, fiber optic
 481 lines, roadways, and other services. It is the intent of the
 482 Legislature to encourage all state and local agencies to assist
 483 various public and private entities in securing public access to
 484 the linear corridors that are suitable for trails, including,
 485 but not limited to, funding the acquisition of colocation
 486 easements, assisting in the design, construction, and
 487 maintenance of trails constructed in the linear corridors,
 488 allowing consideration of the colocation of trails as part of
 489 mitigation plans in the permitting processes once natural
 490 systems are protected, and giving full consideration to the

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491 public nature of these colocated trails in proceedings pursuant
 492 to the Florida Electrical Power Plant Siting Act, ss. 403.501-
 493 403.518, the Transmission Line Siting Act, ss. 403.52-403.5365,
 494 and the Natural Gas Transmission Pipeline Siting Act, ss.
 495 403.9401-403.9425.

496 Section 11. Subsection (1) of section 110.501, Florida
 497 Statutes, is amended to read:

498 110.501 Definitions.--As used in this act:

499 (1) "Volunteer" means any person who, of his or her own
 500 free will, provides goods or services, or conveys an interest in
 501 or otherwise consents to the use of real property pursuant to
 502 ss. 260.011-260.020 ~~260.011-260.018~~, to any state department or
 503 agency, or nonprofit organization, with no monetary or material
 504 compensation. A person registered and serving in Older American
 505 Volunteer Programs authorized by the Domestic Volunteer Service
 506 Act of 1973, as amended (Pub. L. No. 93-113), shall also be
 507 defined as a volunteer and shall incur no civil liability as
 508 provided by s. 768.1355. A volunteer shall be eligible for
 509 payment of volunteer benefits as specified in Pub. L. No. 93-
 510 113, this section, and s. 430.204.

511 Section 12. Paragraph (m) is added to subsection (9) of
 512 section 259.105, Florida Statutes, to read:

513 259.105 The Florida Forever Act.--

514 (9) The Acquisition and Restoration Council shall
 515 recommend rules for adoption by the board of trustees to
 516 competitively evaluate, select, and rank projects eligible for
 517 Florida Forever funds pursuant to paragraph (3)(b) and for
 518 additions to the Conservation and Recreation Lands list pursuant
 519 to ss. 259.032 and 259.101(4). In developing these proposed

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520 rules, the Acquisition and Restoration Council shall give weight
521 to the following criteria:

522 (m) The project or one of its components will ensure the
523 continued existence of the Florida National Scenic Trail in a
524 permanent location.

525 Section 13. Section 335.067, Florida Statutes, is created
526 to read:

527 335.067 Conserve by Bicycle Program.--There is hereby
528 created within the Department of Transportation the Conserve by
529 Bicycle Program.

530 (1) The purpose of the Conserve by Bicycle Program is to:

531 (a) Save energy by increasing the number of miles ridden
532 on bicycles, thereby reducing the usage of petroleum-based
533 fuels.

534 (b) Increase efficiency of cycling as a transportation
535 mode by improving interconnectivity.

536 (c) Reduce traffic congestion on existing roads.

537 (d) Provide recreational opportunities for Florida
538 citizens and visitors.

539 (e) Provide healthy alternatives to help reduce the trend
540 toward obesity and reduce long-term health costs.

541 (f) Provide safe ways for children to travel from their
542 homes to their schools by supporting the Safe Paths to Schools
543 Program.

544 (2) In order to help accomplish these goals, the
545 department shall conduct a Conserve by Bicycling study, which
546 shall include a determination of the following:

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547 (a) Where energy savings can be realized when more and
 548 safer bicycle facilities are created that reduce the use of
 549 motor vehicles in the area.

550 (b) How the shift in road capacity can be realized in true
 551 energy and costs savings.

552 (c) Where the use of education and marketing programs can
 553 convert motor vehicle trips into bicycle trips.

554 (d) How and under what circumstances the construction of
 555 bicycling facilities can provide more opportunities for
 556 recreation and how exercise can lead to a reduction of health
 557 risks associated with a sedentary lifestyle.

558 (e) How the Safe Paths to Schools Program and other
 559 similar programs can reduce school-related commuter traffic,
 560 which will result in energy and roadway savings as well as
 561 improve the health of children throughout the state.

562 (f) How partnerships can be created among interested
 563 parties in the fields of transportation, law enforcement,
 564 education, public health, environmental restoration and
 565 conservation, and energy conservation to achieve a better
 566 possibility of success for the program.

567 (3) The study shall produce measurable criteria that can
 568 be used by the department to determine where and under what
 569 circumstances the construction of bicycling facilities will
 570 reduce energy consumption and the need for and cost of roadway
 571 capacity as well as realizing the associated health benefits.

572 (4) The department shall conduct the study with the
 573 assistance of the State Pedestrian/Bicycle Coordinator,
 574 metropolitan planning organizations, the Office of Greenways and
 575 Trails of the Department of Environmental Protection, and the

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576 Department of Health and is encouraged to hire consultants to
 577 participate in portions of the study from the following
 578 organizations:

579 (a) Florida Bicycle Association.

580 (b) Rails-to-Trails Conservancy.

581 (c) American Heart Association.

582 (d) American Lung Association.

583 (5) By July 1, 2005, the study shall be completed and
 584 shall be submitted to the Governor, the Speaker of the House of
 585 Representatives, the President of the Senate, the Secretary of
 586 Transportation, the Secretary of Environmental Protection, and
 587 the Secretary of Health.

588 (6) There is hereby appropriated from the State
 589 Transportation Trust Fund to the Department of Environmental
 590 Protection the sum of \$500,000 to conduct and produce the study.

591 Section 14. Paragraph (k) of subsection (4) of section
 592 373.199, Florida Statutes, is amended to read:

593 373.199 Florida Forever Water Management District Work
 594 Plan.--

595 (4) The list submitted by the districts shall include,
 596 where applicable, the following information for each project:

597 (k) An identification of the proposed public access for
 598 projects with land acquisition components, including the Florida
 599 National Scenic Trail.

600 Section 15. Subsection (6) of section 378.036, Florida
 601 Statutes, as amended by chapter 2003-423, Laws of Florida, is
 602 amended to read:

603 378.036 Land acquisitions financed by Nonmandatory Land
 604 Reclamation Trust Fund moneys.--

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605 (6)(a) ~~By January 1, 2004, or within 6 months following~~
606 ~~the date funds become available from the Legislature, whichever~~
607 ~~is later,~~ The Florida Wildlife Federation, Audubon Florida, and
608 Rails-to-Trails Conservancy in partnership with the Florida
609 Phosphate Council are authorized to form a nonprofit corporation
610 the Florida Mining-Recreation, Inc., pursuant to chapter 617 for
611 the purpose of implementing this section by creating plans and
612 assisting in the development of public recreational
613 opportunities on lands mined for phosphate in the state. The
614 term "lands mined for phosphate" includes those lands adjacent
615 to and connecting mined lands. The first plans must concentrate
616 on recreational activities in Hardee and Hamilton Counties which
617 will assist them in rural economic development. Florida Mining-
618 Recreation, Inc., shall be exempt from the tax imposed under
619 chapter 212 regardless of its status pursuant to s. 501(c) of
620 the United States Internal Revenue Code and shall be considered
621 a nonprofit corporation for all state and local requirements
622 applicable thereto.

623 (b) The board of directors of the corporation shall be
624 composed of three members, one designated by the Florida
625 Phosphate Council, one as the designee of the Florida Wildlife
626 Federation, Audubon Florida, and Rails-to-Trails Conservancy,
627 and the third chosen by the other two designees.

628 (c) The business of the corporation shall be conducted by
629 the board of directors or a chief executive officer as the board
630 shall see fit in accordance with the provisions of its articles
631 of incorporation and applicable law. The activities of the
632 corporation shall be coordinated with all landowners who have

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633 voluntarily agreed to participate in the process as well as any
 634 local government where such lands are recorded.

635 (d) All of the funds provided in Specific Appropriation
 636 1637A of the General Appropriations Act of 2003 and any future
 637 appropriations to the corporation shall be paid directly to
 638 Florida Mining-Recreation, Inc., without the need for securing
 639 grants or advanced payment approval from the department or Chief
 640 Financial Officer regardless of previous agreements between the
 641 corporation and the department. Funds paid or appropriated to
 642 the corporation by the state may be expended for any valid
 643 purpose of the corporation as established in this section,
 644 including, but not limited to, the formation and management of
 645 the corporation, securing the services of experts and
 646 consultants, conducting audits, developing engineering plans,
 647 assisting in obtaining permits and approvals from governmental
 648 agencies, and other actions that further the goals of the
 649 corporation in creating plans and assisting in the development
 650 of recreational opportunities on lands mined for phosphate in
 651 the state. The corporation shall not be required to comply with
 652 state competitive bidding requirements but shall adopt a policy
 653 explaining how consultants to the corporation will be hired,
 654 which policy shall seek the lowest reasonable cost for the
 655 delivery of services without sacrificing quality while providing
 656 for the special needs of the corporation and shall encourage
 657 diversity in hiring and not discriminate against any person
 658 because of race, age, gender, religion, or national origin. An
 659 annual report of the activities of the corporation, including a
 660 certified audit, shall be presented to the Secretary of
 661 Environmental Protection or his or her designee by October 31 of

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662 each year following incorporation. The audit shall set forth the
 663 manner in which the corporate funds have been spent and an
 664 inventory of all corporate physical assets.

665 (e) The corporation shall dissolve on January 1, 2009,
 666 unless dissolved previously by action of its board of directors
 667 or extended by the Legislature. Upon dissolution, any moneys
 668 remaining in the accounts of the corporation that are
 669 unobligated shall be returned to the funds from which they were
 670 appropriated in proportion to the amount contributed. All
 671 tangible assets of the corporation at dissolution which were
 672 acquired using state funding shall become the property of the
 673 Department of Environmental Protection.

674 Section 16. Subsection (5) of section 380.503, Florida
 675 Statutes, is amended to read:

676 380.503 Definitions.--As used in ss. 380.501-380.515,
 677 unless the context indicates a different meaning or intent:

678 (5) "Nonprofit organization" means any private nonprofit
 679 organization, existing under the provisions of s. 501(c)(3) of
 680 the United States Internal Revenue Code, which has among its
 681 principal goals the conservation of natural resources, the
 682 establishment of public recreational trails, or the protection
 683 of the environment.

684 Section 17. Subsections (2) and (4) of section 380.507,
 685 Florida Statutes, are amended to read:

686 380.507 Powers of the trust.--The trust shall have all the
 687 powers necessary or convenient to carry out the purposes and
 688 provisions of this part, including:

689 (2) To undertake, coordinate, or fund activities and
 690 projects which will help bring local comprehensive plans into

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691 compliance and help implement the goals, objectives, and
 692 policies of the conservation, recreation and open space, and
 693 coastal elements of local comprehensive plans, or which will
 694 otherwise serve to conserve natural resources and resolve land
 695 use conflicts, including, but not limited to:

- 696 (a) Redevelopment projects.
- 697 (b) Resource enhancement projects.
- 698 (c) Public access projects.
- 699 (d) Urban waterfront restoration projects.
- 700 (e) Site reservation.
- 701 (f) Urban greenways and open space projects.
- 702 (g) Florida National Scenic Trail projects.

703 (4) To acquire and dispose of real and personal property
 704 or any interest therein when necessary or appropriate to protect
 705 the natural environment, provide public access or public
 706 recreational facilities, including the Florida National Scenic
 707 Trail, preserve wildlife habitat areas, provide access for
 708 managing acquired lands, or otherwise carry out the purposes of
 709 this part. If the trust acquires land for permanent state
 710 ownership, title to such land shall be vested in the Board of
 711 Trustees of the Internal Improvement Trust Fund; otherwise,
 712 title to property acquired in partnership with a county or
 713 municipality shall vest in the name of the local government.
 714 Notwithstanding any other provision of law, the trust may enter
 715 into an option agreement to purchase lands included in projects
 716 approved according to this part, when necessary to reserve lands
 717 during the preparation of project plans and during acquisition
 718 proceedings. The consideration for an option shall not exceed
 719 \$100,000.

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720 Section 18. This act shall take effect upon becoming a
721 law.