

CHAMBER ACTION

1 The Committee on Natural Resources recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to greenways and trails; renaming ch. 260,
7 F.S., the "Florida Greenways and Trails Act"; amending s.
8 260.011, F.S.; providing a popular name; amending s.
9 260.012, F.S.; revising legislative intent; amending s.
10 260.0125, F.S.; providing a limitation on liability of
11 certain off-highway vehicle facilities; requiring written
12 landowner authorization for public access to private
13 lands; requiring the Department of Environmental
14 Protection to provide certain notice; amending s. 260.013,
15 F.S.; revising and providing definitions; amending s.
16 260.0141, F.S.; removing a provision relating to
17 acquisition of greenways and trails; amending s. 260.0142,
18 F.S.; extending the terms of certain appointees to the
19 Florida Greenways and Trails Council; including users of
20 off-highway vehicles as eligible to be appointed as
21 representatives of the trail user community on the
22 council; revising duties of council members; amending s.
23 260.015, F.S.; removing provisions for appraisal of

24 | certain property by the department; amending s. 260.016,
 25 | F.S.; revising powers of the department with regard to
 26 | access routes and evaluation of lands for acquisition;
 27 | authorizing the Legislature to add to the Big Bend
 28 | Historic Saltwater Paddling Trail; creating s. 335.067,
 29 | F.S.; creating the Conserve by Bicycle Program within the
 30 | Department of Transportation; providing purposes;
 31 | requiring the department, in conjunction with specified
 32 | organizations, to conduct a Conserve by Bicycle study;
 33 | requiring the study to be submitted to the Governor, the
 34 | Legislature, and the Secretaries of Transportation,
 35 | Environmental Protection, and Health; amending s. 373.199,
 36 | F.S.; providing for inclusion of the Florida National
 37 | Scenic Trail in Florida Forever water management
 38 | districts' recommended projects lists; amending s.
 39 | 378.036, F.S.; providing a definition for purposes of land
 40 | acquisition; exempting Florida Mining-Recreation, Inc.,
 41 | from the tax on sales, use, and other transactions;
 42 | permitting certain funds to be paid directly to Florida
 43 | Mining-Recreation, Inc.; providing for uses of the funds;
 44 | exempting the corporation from competitive bidding
 45 | requirements; clarifying audit and inventory requirements;
 46 | amending s. 380.507, F.S.; revising provisions relating to
 47 | the acquisition or disposal of certain property to provide
 48 | public access to certain lands; providing an effective
 49 | date.

51 | Be It Enacted by the Legislature of the State of Florida:

HB 1179

2004
CS

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

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

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

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

260.012 Declaration of policy and legislative intent.--
(1) In order to recognize the benefits of the outdoor
areas of Florida, and in order to conserve, develop, and use the
natural resources of this state for healthful and recreational
purposes, it is declared to be the public policy of this state
and the purpose of ss. 260.011-260.018 to provide the means and
procedures for establishing and expanding a statewide system of
greenways and trails for recreational and conservation purposes
and which shall be designated as the "Florida Greenways and
Trails System." The standards by which the greenways and trails
system shall be acquired, designated, administered, maintained,
used, and expanded shall be consistent with the provisions of
ss. 260.011-260.018. It is the intent of the Legislature that
these greenways and trails will serve to implement the concepts
of ecosystems management while providing, where appropriate,
recreational opportunities, including, but not limited to,
equestrian activities ~~horseback riding~~, hiking, bicycling,

HB 1179

2004
CS

80 canoeing, jogging, and historical and archaeological
81 interpretation, thereby improving the health and welfare of the
82 people.

83 (2) It is the intent of the Legislature that a statewide
84 system of greenways and trails be established to provide open
85 space benefiting environmentally sensitive lands and wildlife
86 and providing people with access to healthful outdoor
87 activities. It is also the intent of the Legislature to acquire
88 or designate lands and waterways to facilitate the establishment
89 of a statewide system of greenways and trails; to encourage the
90 multiple use of public rights-of-way and use to the fullest
91 extent existing and future scenic roads, highways, park roads,
92 parkways, greenways, trails, and national recreational trails;
93 to encourage the development of greenways and trails by
94 counties, cities, ~~and~~ special districts, and nongovernmental
95 organizations and to assist in such development by any means
96 available; to coordinate greenway and trail plans and
97 development by local governments with one another and with the
98 state government and Federal Government; to encourage, whenever
99 possible, the development of greenways and trails on federal
100 lands by the Federal Government; and to encourage the owners of
101 private lands to protect the existing ecological, historical,
102 and cultural values of their lands, including those values
103 derived from working landscapes.

104 (6) It is the intent of the Legislature to officially
105 recognize the Florida National Scenic Trail as Florida's
106 official statewide nonmotorized trail from the Florida Panhandle
107 to the Everglades and the Florida Keys, an approximate length of

HB 1179

2004
CS

108 more than 1,400 miles. The Legislature recognizes the major
 109 contributions made in furtherance of the establishment of the
 110 Florida National Scenic Trail by the United States Government,
 111 including significant funding, and the efforts of private
 112 landowners, state government, and not-for-profit entities such
 113 as the Florida Trail Association. The Legislature also
 114 recognizes the significant economic benefit of natural-resource-
 115 based recreation and the contributions to the state's economy
 116 that arise from the creation and completion of the trail. In
 117 order to further its commitment to the citizens of the state and
 118 the United States Government to complete the establishment of
 119 the trail in a permanent location, it is ~~also~~ the further intent
 120 of the Legislature to:

121 (a) Encourage all state, regional, and local agencies who
 122 acquire lands to include in their land-buying efforts the
 123 acquisition of sufficient legal interest in the lands over which
 124 the trail passes to ensure its continued existence in a
 125 permanent location.

126 (b) Officially recognize the route of the trail for
 127 establishment and acquisition purposes as determined by the
 128 U.S.D.A. Forest Service assisted by the Florida Trail
 129 Association in their publication entitled "Preferred Routing for
 130 the Florida National Scenic Trail."

131 (c) Encourage state public land-buying agencies to
 132 consider the trail a single project with multiple phases for the
 133 purpose of listing and acquisition with the assistance of the
 134 Florida Trail Association and the Office of Greenways and
 135 Trails.

HB 1179

2004
CS

136 (d) Give positive consideration to the inclusion of
 137 private funds used to supplement the state's contribution in its
 138 efforts to acquire fee or less-than-fee interests in lands that
 139 contain designated portions of the trail.

140 (e) Encourage private landowners to continue to allow the
 141 use of their properties for trail purposes through existing and
 142 future incentives and liability protection.

143 (f) Encourage state and local agencies that are
 144 responsible for economic and ecotourism development to recognize
 145 the importance of the trail in bringing nature-based tourism to
 146 many local communities along the trail route and to support
 147 acquisition and development activities for completion of the
 148 trail in a permanent location in their communities.

149 Section 4. Subsection (7) of section 260.0125, Florida
 150 Statutes, is renumbered as subsection (8), paragraph (a) of
 151 subsection (3) is amended, and a new subsection (7) is added to
 152 said section, to read:

153 260.0125 Limitation on liability of private landowners
 154 whose property is designated as part of the statewide system of
 155 greenways and trails.--

156 (3)(a) The provisions of subsection (1) shall not apply if
 157 there is any charge made or usually made by the landowner for
 158 entering or using the land designated as a greenway or trail, or
 159 any part thereof, or if any commercial or other activity whereby
 160 profit is derived by the landowner from the patronage of the
 161 general public is conducted on the land so designated or any
 162 part thereof. Because of the difficulty in siting and operating
 163 an off-highway vehicle facility and the need for such facilities

HB 1179

2004
CS

164 to be included as part of the state trail system, the exception
 165 in this subsection shall not apply to anyone who owns or
 166 operates an off-highway vehicle facility that has been
 167 recommended by the Off-Highway Vehicle Recreation Advisory
 168 Committee as provided in s. 261.04 for designation as part of
 169 the state trail system and adopted by the department, that is
 170 open to the general public except for special events, and where
 171 charging a fee is necessary for the financial viability of the
 172 operation of the facility.

173 (7) When the department determines that public access is
 174 appropriate for greenways and trails on private lands that are
 175 the subject of a designation agreement, written authorization
 176 must be granted by the private landowner to the department
 177 permitting public access to all or a specified part of the
 178 landowner's property. The determination of the department shall
 179 be noticed pursuant to s. 120.525, and the department shall also
 180 notify the private landowner by certified mail at least 7 days
 181 before any public meeting regarding the intent to designate.

182 Section 5. Section 260.013, Florida Statutes, is amended
 183 to read:

184 260.013 Definitions.--As used in ss. 260.011-260.018,
 185 unless the context otherwise requires:

186 (1) "Board" means the Board of Trustees of the Internal
 187 Improvement Trust Fund.

188 (2) "Department" means the Department of Environmental
 189 Protection.

190 (3) "Designation" means the identification and inclusion
 191 of specific lands and waterways as part of the statewide system

HB 1179

2004
CS

192 of greenways and trails pursuant to a formal public process,
 193 including the specific written consent of the landowner. ~~When~~
 194 ~~the department determines that public access is appropriate for~~
 195 ~~greenways and trails, written authorization must be granted by~~
 196 ~~the landowner to the department permitting public access to all~~
 197 ~~or a specified part of the landowner's property. The~~
 198 ~~department's determination shall be noticed pursuant to s.~~
 199 ~~120.525, and the department shall also notify the landowner by~~
 200 ~~certified mail at least 7 days before any public meeting~~
 201 ~~regarding the intent to designate.~~

202 (4) "Greenway" means a linear open space established along
 203 either a natural corridor, such as a riverfront, stream valley,
 204 or ridgeline, or over land along a railroad right-of-way
 205 converted to recreational use, a canal, a scenic road, or other
 206 route; any natural or landscaped course for pedestrian or
 207 bicycle passage; an open space connector linking parks, nature
 208 reserves, cultural features, or historic sites with each other
 209 and populated areas; or a local strip or linear park designated
 210 as a parkway or greenbelt.

211 (5) "Office" means the Office of Greenways and Trails of
 212 the Department of Environmental Protection.

213 (6)~~(5)~~ "Trails" means linear corridors and any adjacent
 214 support parcels on land or water providing public access for
 215 recreation or authorized alternative modes of transportation.

216 Section 6. Section 260.0141, Florida Statutes, is amended
 217 to read:

218 260.0141 Greenways and Trails Program.--There is
 219 established within the department the "Florida Greenways and

HB 1179

2004
CS

220 Trails Program," the purpose of which is to facilitate the
 221 establishment of a statewide system of greenways and trails.
 222 ~~Such greenways and trails shall be acquired pursuant to this~~
 223 ~~act.~~ Planning materials, maps, data, and other information
 224 developed or used in the program shall not be construed as
 225 designation of lands as part of the statewide system of
 226 greenways and trails. Identification of lands in such
 227 information shall not:

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

231 (2) Be construed or cited as authority to adopt, enforce,
 232 or amend any environmental rule or regulation; comprehensive
 233 plan goals, policies, or objectives; or zoning or land-use
 234 ordinance;

235 (3) Be used as the basis for permit denial; imposition of
 236 any permit condition; or application of any rule, regulation, or
 237 ordinance by any subdivision of local, regional, or state
 238 government; or

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

242 Section 7. Section 260.0142, Florida Statutes, is amended
 243 to read:

244 260.0142 Florida Greenways and Trails Council;
 245 composition; powers and duties.--

246 (1) There is hereby created within the department of
 247 ~~Environmental Protection~~ the Florida Greenways and Trails

HB 1179

2004
CS

248 Council which shall advise the department in the execution of
 249 the department's powers and duties under this chapter. The
 250 council shall be composed of 21 members, consisting of:

251 (a) Five members appointed by the Governor, with two
 252 members representing the trail user community, two members
 253 representing the greenway user community, and one member
 254 representing private landowners. ~~Of the initial appointments,~~
 255 ~~two shall be appointed for 2-year terms and three shall be~~
 256 ~~appointed for 1-year terms. Subsequent appointments shall be for~~
 257 ~~2-year terms.~~

258 (b) Three members appointed by the President of the
 259 Senate, with one member representing the trail user community
 260 and two members representing the greenway user community. ~~Of the~~
 261 ~~initial appointments, two shall be appointed for 2-year terms~~
 262 ~~and one shall be appointed for a 1-year term. Subsequent~~
 263 ~~appointments shall be for 2-year terms.~~

264 (c) Three members appointed by the Speaker of the House of
 265 Representatives, with two members representing the trail user
 266 community and one member representing the greenway user
 267 community. ~~Of the initial appointments, two shall be appointed~~
 268 ~~for 2-year terms and one shall be appointed for a 1-year term.~~
 269 ~~Subsequent appointments shall be for 2-year terms.~~

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 271 Those eligible to represent the trail user community shall be
 272 chosen from, but not be limited to, paved trail users, hikers,
 273 off-road bicyclists, users of off-highway vehicles, paddlers,
 274 equestrians, disabled outdoor recreational users, and commercial
 275 recreational interests. Those eligible to represent the greenway

HB 1179

2004
CS

276 user community shall be chosen from, but not be limited to,
277 conservation organizations, nature study organizations, and
278 scientists and university experts.

279 (d) The 10 remaining members shall include:

280 1. The Secretary of Environmental Protection or a
281 designee;

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

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

285 4. The Secretary of Transportation or a designee;

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

288 6. The director of the Division of Historical Resources of
289 the Department of State or a designee;

290 7. A representative of the water management districts ~~who~~
291 ~~shall serve for 1 year~~. Membership on the council shall rotate
292 among the five districts. The districts shall determine the
293 order of rotation;

294 8. A representative of a federal land management agency.
295 The Secretary of Environmental Protection shall identify the
296 appropriate federal agency and request designation of a
297 representative from the agency to serve on the council;

298 9. A representative of the regional planning councils to
299 be appointed by the Secretary of Environmental Protection, in
300 consultation with the Secretary of Community Affairs, ~~for a~~
301 ~~single 2-year term~~. Membership on the council shall rotate among
302 the seven regional planning councils. The regional planning
303 councils shall determine the order of rotation ~~The~~

HB 1179

2004
CS

304 ~~representative shall not be selected from the same regional~~
 305 ~~planning council for successive terms; and~~

306 10. A representative of local governments to be appointed
 307 by the Secretary of Environmental Protection, in consultation
 308 with the Secretary of Community Affairs, ~~for a single 2-year~~
 309 ~~term~~. Membership shall alternate between a county representative
 310 and a municipal representative.

311 (2) The department shall provide necessary staff
 312 assistance to the council.

313 (3) The terms of all appointees shall be for 2 years
 314 unless otherwise specified. The appointees of the Governor, the
 315 President of the Senate, and the Speaker of the House of
 316 Representatives may be reappointed for no more than four
 317 consecutive terms. The representatives of the water management
 318 districts, regional planning councils, and local governments may
 319 be reappointed for no more than two consecutive terms. All other
 320 appointees shall serve until replaced. ~~The council is authorized~~
 321 ~~to contract for and to accept gifts, grants, or other aid from~~
 322 ~~the United States Government or any person or corporation.~~

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

325 ~~(a) Advise the Department of Environmental Protection, the~~
 326 ~~Department of Community Affairs, the Department of~~
 327 ~~Transportation, the Fish and Wildlife Conservation Commission,~~
 328 ~~the Division of Forestry of the Department of Agriculture and~~
 329 ~~Consumer Services, the water management districts, and the~~
 330 ~~regional planning councils on policies relating to the Florida~~

HB 1179

2004
CS

331 ~~Greenways and Trails System, and promote intergovernmental~~
332 ~~cooperation;~~

333 (a)~~(b)~~ Facilitate a statewide system of interconnected
334 landscape linkages, conservation corridors, greenbelts,
335 recreational corridors and trails, scenic corridors, utilitarian
336 corridors, reserves, regional parks and preserves, ecological
337 sites, and cultural/historic/recreational sites using;

338 ~~(c)~~ Facilitate a statewide system of interconnected land-
339 based trails that connect urban, suburban, and rural areas of
340 the state and facilitate expansion of the statewide system of
341 freshwater and saltwater paddling trails.

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

344 (c)~~(e)~~ Review recommendations of the office applications
345 for acquisition funding under the Florida Greenways and Trails
346 Program and recommend to the Secretary of Environmental
347 Protection which projects should be acquired.

348 ~~(f)~~ Provide funding recommendations to agencies and
349 organizations regarding the acquisition, development, and
350 management of greenways and trails, including the promotion of
351 private landowner incentives;

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

354 ~~(h)~~ Provide advocacy and education to benefit the
355 statewide system of greenways and trails by encouraging
356 communication and conferencing;

357 (e)~~(i)~~ Encourage public-private partnerships to develop
358 and manage greenways and trails.

HB 1179

2004
CS

359 (f)~~(j)~~ Review progress toward meeting established
360 benchmarks and recommend appropriate action.;

361 (g)~~(k)~~ Make recommendations for updating and revising the
362 implementation plan for the Florida Greenways and Trails
363 System.;

364 ~~(l) Advise the Land Acquisition and Management Advisory
365 Council or its successor to ensure the incorporation of
366 greenways and trails in land management plans on lands managed
367 by the Department of Environmental Protection, the Fish and
368 Wildlife Conservation Commission, the Division of Historical
369 Resources of the Department of State, and the Division of
370 Forestry of the Department of Agriculture and Consumer Services;~~

371 ~~(m) Provide advice and assistance to the Department of
372 Transportation and the water management districts regarding the
373 incorporation of greenways and trails into their planning
374 efforts;~~

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

378 (h)~~(o)~~ Promote greenways and trails support
379 organizations.;

380 (i)~~(p)~~ Support the Florida Greenways and Trails System
381 through intergovernmental coordination, budget recommendations,
382 advocacy, and education and in any other appropriate way.

383 (5) The council shall establish procedures for conducting
384 its affairs in execution of the duties and responsibilities
385 stated in this section, which operating procedures shall include
386 determination of a council chair and other appropriate

HB 1179

2004
CS

387 operational guidelines. The council shall meet at the call of
 388 the chair, or at such times as may be prescribed by its
 389 operating procedures. The council may establish committees to
 390 conduct the work of the council and the committees may include
 391 nonmembers as appropriate.

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

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

401 Section 8. Paragraph (c) of subsection (1) of section
 402 260.015, Florida Statutes, is amended to read:

403 260.015 Acquisition of land.--

404 (1) The department is authorized to acquire by gift or
 405 purchase the fee simple absolute title or any lesser interest in
 406 land, including easements, for the purposes of ss. 260.011-
 407 260.018 pursuant to the provisions of chapter 375, except that:

408 (c) Projects acquired under this chapter shall not be
 409 subject to the evaluation and selection procedures of s.
 410 259.035, regardless of the estimated value of such projects. All
 411 projects shall be acquired in accordance with the acquisition
 412 procedures of chapter 259, except that the department may use
 413 the appraisal procedure used by the Department of Transportation
 414 to acquire transportation rights-of-way. ~~When a parcel is~~

HB 1179

2004
CS

415 ~~estimated to be valued at \$100,000 or less and the department~~
 416 ~~finds that the costs of obtaining an outside appraisal are not~~
 417 ~~justified, an appraisal prepared by the department may be used.~~

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

420 260.016 General powers of the department.--

421 (1) The department may:

422 (a) Publish and distribute appropriate maps of ~~designated~~
 423 greenways and trails. ~~The description shall include a~~
 424 ~~generalized map delineating the area designated, location of~~
 425 ~~suitable ingress and egress sites, as well as other points of~~
 426 ~~interest to enhance the recreational opportunities of the~~
 427 ~~public.~~

428 ~~(b) Establish access routes and related public-use~~
 429 ~~facilities along greenways and trails which will not~~
 430 ~~substantially interfere with the nature and purposes of the~~
 431 ~~greenway or trail.~~

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

436 1. Establishing a designation process.

437 2. Negotiating and executing agreements with private
 438 landowners.

439 3. Establishing prohibited activities or restrictions on
 440 activities to protect the health, safety, and welfare of the
 441 public.

442 4. Charging fees for use.

HB 1179

2004
CS

- 443 5. Providing public access.
- 444 6. Providing for maintenance.
- 445 7. Any matter necessary to the evaluation, selection,
- 446 operation, and maintenance of greenways and trails.

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448 Any person who violates or otherwise fails to comply with the

449 rules adopted pursuant to subparagraph 3. commits a noncriminal

450 infraction for which a fine of up to \$500 may be imposed.

451 ~~(c)~~~~(d)~~ Coordinate the activities of all governmental units

452 and bodies and special districts that desire to participate in

453 the development and implementation of the Florida Greenways and

454 Trails System.

455 ~~(d)~~~~(e)~~ Establish, develop, and publicize greenways and

456 trails in a manner that will permit public recreation when

457 appropriate without damaging natural resources. The Big Bend

458 Historic Saltwater Paddling Trail from the St. Marks River to

459 Yankeetown is hereby designated as part of the Florida Greenways

460 and Trails System. Additions to this trail may be added by the

461 Legislature or the department from time to time as part of the a

462 statewide saltwater circumnavigation trail.

463 ~~(e)~~~~(f)~~ Enter into agreements with any federal, state, or

464 local governmental agency, or any other entity for the

465 management of greenways and trails for recreation and

466 conservation purposes consistent with the intent of this

467 chapter. Such entities must demonstrate their capabilities of

468 management for the purposes defined in ss. 260.011-260.018.

469 ~~(f)~~~~(g)~~ Charge reasonable fees or rentals for the use or

470 operation of facilities and concessions. All such fees, rentals,

HB1179

2004
CS

471 or other charges collected shall be deposited in the account or
472 trust fund of the managing entity.

473 ~~(g)(h)~~ Receive or accept from any legal source, grants for
474 the purpose of providing or improving public greenways and
475 trails, and the department is authorized to disburse funds as
476 pass-through grants to federal, state, or local government
477 agencies, recognized tribal units, or to nonprofit entities
478 created for this purpose. The department has authority to adopt
479 rules pursuant to ss. 120.536(1) and 120.54 to implement the
480 provisions of this subsection. Such rules shall provide, but are
481 not limited to, the following: procedures for grant
482 administration and accountability; eligibility, selection
483 criteria; maximum grant amounts and number of pending grants;
484 dedication requirements; and conversion procedures and
485 requirements.

486 (2) The department shall:

487 (a) Evaluate lands for the acquisition of greenways and
488 trails and compile a list of suitable corridors, greenways, and
489 trails, ranking them in order of priority for proposed
490 acquisition. The department shall devise a method of evaluation
491 which includes, but is not limited to, the consideration of the
492 importance and function of such corridors within the statewide
493 system as reflected on the opportunity maps and the landowners'
494 willingness to negotiate.

495 Section 10. Section 335.067, Florida Statutes, is created
496 to read:

HB 1179

2004
CS

497 335.067 Conserve by Bicycle Program.--There is created
498 within the Department of Transportation the Conserve by Bicycle
499 Program.

500 (1) The purposes of the Conserve by Bicycle Program are
501 to:

502 (a) Save energy by increasing the number of miles ridden
503 on bicycles, thereby reducing the usage of petroleum-based
504 fuels.

505 (b) Increase efficiency of cycling as a transportation
506 mode by improving interconnectivity.

507 (c) Reduce traffic congestion on existing roads.

508 (d) Provide recreational opportunities for Florida
509 citizens and visitors.

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

512 (f) Provide safe ways for children to travel from their
513 homes to their schools by supporting the Safe Paths to Schools
514 Program.

515 (2) In order to help accomplish these goals, the
516 department shall conduct a Conserve by Bicycle study, which
517 shall include a determination of the following:

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

521 (b) How the shift in road capacity can lead to the
522 realization of true energy and cost savings.

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

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

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

533 (f) How partnerships can be created among interested
 534 parties in the fields of transportation, law enforcement,
 535 education, public health, environmental restoration and
 536 conservation, and energy conservation to achieve a better
 537 possibility of success for the program.

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

543 (4) The department shall conduct the study with the
 544 assistance of the State Pedestrian/Bicycle Coordinator,
 545 metropolitan planning organizations, the Office of Greenways and
 546 Trails of the Department of Environmental Protection, and the
 547 Department of Health and is encouraged to hire consultants to
 548 participate in portions of the study from the following
 549 organizations:

- 550 (a) Florida Bicycle Association.
- 551 (b) Rails-to-Trails Conservancy.
- 552 (c) American Heart Association.

HB 1179

2004
CS

553 (d) American Lung Association.

554 (5) By July 1, 2005, the study shall be completed and
 555 shall be submitted to the Governor, the Speaker of the House of
 556 Representatives, the President of the Senate, the Secretary of
 557 Transportation, the Secretary of Environmental Protection, and
 558 the Secretary of Health.

559 Section 11. Paragraph (k) of subsection (4) of section
 560 373.199, Florida Statutes, is amended to read:

561 373.199 Florida Forever Water Management District Work
 562 Plan.--

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

565 (k) An identification of the proposed public access for
 566 projects with land acquisition components, including the Florida
 567 National Scenic Trail.

568 Section 12. Subsection (6) of section 378.036, Florida
 569 Statutes, as amended by chapter 2003-423, Laws of Florida, is
 570 amended to read:

571 378.036 Land acquisitions financed by Nonmandatory Land
 572 Reclamation Trust Fund moneys.--

573 (6)(a) ~~By January 1, 2004, or within 6 months following~~
 574 ~~the date funds become available from the Legislature, whichever~~
 575 ~~is later,~~ The Florida Wildlife Federation, Audubon Florida, and
 576 Rails-to-Trails Conservancy in partnership with the Florida
 577 Phosphate Council are authorized to form a nonprofit
 578 corporation, Florida Mining-Recreation, Inc., pursuant to
 579 chapter 617 for the purpose of implementing this section by
 580 creating plans and assisting in the development of public

HB 1179

2004
CS

581 recreational opportunities on lands mined for phosphate in the
582 state. The term "lands mined for phosphate" includes those lands
583 adjacent to and connecting mined lands. The first plans must
584 concentrate on recreational activities in Hardee and Hamilton
585 Counties which will assist them in rural economic development.
586 Florida Mining-Recreation, Inc., shall be exempt from the tax
587 imposed under chapter 212, regardless of its status pursuant to
588 s. 501(c) of the United States Internal Revenue Code, and shall
589 be considered a nonprofit corporation for all state and local
590 requirements applicable thereto.

591 (b) The board of directors of the corporation shall be
592 composed of three members, one designated by the Florida
593 Phosphate Council, one as the designee of the Florida Wildlife
594 Federation, Audubon Florida, and Rails-to-Trails Conservancy,
595 and the third chosen by the other two designees.

596 (c) The business of the corporation shall be conducted by
597 the board of directors or a chief executive officer as the board
598 shall see fit in accordance with the provisions of its articles
599 of incorporation and applicable law. The activities of the
600 corporation shall be coordinated with all landowners who have
601 voluntarily agreed to participate in the process as well as any
602 local government where such lands are recorded.

603 (d) All of the funds provided in Specific Appropriation
604 1637A of the General Appropriations Act of 2003 and any future
605 appropriations to the corporation under \$500,000 shall be paid
606 directly to Florida Mining-Recreation, Inc., without the need
607 for securing grants or advanced payment approval from the
608 department or Chief Financial Officer, regardless of previous

HB 1179

2004
CS

609 agreements between the corporation and the department. Funds
610 paid or appropriated to the corporation by the state may be
611 expended for any valid purpose of the corporation as established
612 in this section, including, but not limited to, the formation
613 and management of the corporation, securing the services of
614 experts and consultants, conducting audits, developing
615 engineering plans, assisting in obtaining permits and approvals
616 from governmental agencies, and other actions that further the
617 goals of the corporation in creating plans and assisting in the
618 development of public recreational opportunities on lands mined
619 for phosphate in the state. The corporation shall seek the
620 lowest reasonable cost for the delivery of services while
621 providing for the special needs of the corporation without
622 sacrificing quality and shall encourage diversity in hiring and
623 not discriminate against any person because of race, age,
624 gender, religion, or national origin. In following these
625 policies, the corporation shall not be required to comply with
626 state competitive bidding requirements for contracts under
627 \$100,000 and shall adopt a written policy describing how
628 services for the corporation will be secured. An annual report
629 of the activities of the corporation, including a certified
630 audit, shall be presented to the Secretary of Environmental
631 Protection or his or her designee by October 31 of each year
632 following incorporation. The audit shall set forth the manner in
633 which the corporate funds have been spent and an inventory of
634 all corporate physical assets.

635 (e) The corporation shall dissolve on January 1, 2009,
636 unless dissolved previously by action of its board of directors

HB 1179

2004
CS

637 or extended by the Legislature. Upon dissolution, any moneys
 638 remaining in the accounts of the corporation that are
 639 unobligated shall be returned to the funds from which they were
 640 appropriated in proportion to the amount contributed. All
 641 tangible assets of the corporation at dissolution which were
 642 acquired using state funding shall become the property of the
 643 Department of Environmental Protection.

644 Section 13. Subsection (4) of section 380.507, Florida
 645 Statutes, is amended to read:

646 380.507 Powers of the trust.--The trust shall have all the
 647 powers necessary or convenient to carry out the purposes and
 648 provisions of this part, including:

649 (4) To acquire and dispose of real and personal property
 650 or any interest therein when necessary or appropriate to protect
 651 the natural environment, provide public access or public
 652 recreational facilities, including the Florida National Scenic
 653 Trail, preserve wildlife habitat areas, provide access for
 654 managing acquired lands, or otherwise carry out the purposes of
 655 this part. If the trust acquires land for permanent state
 656 ownership, title to such land shall be vested in the Board of
 657 Trustees of the Internal Improvement Trust Fund; otherwise,
 658 title to property acquired in partnership with a county or
 659 municipality shall vest in the name of the local government.
 660 Notwithstanding any other provision of law, the trust may enter
 661 into an option agreement to purchase lands included in projects
 662 approved according to this part, when necessary to reserve lands
 663 during the preparation of project plans and during acquisition

HB 1179

2004
CS

664 | proceedings. The consideration for an option shall not exceed
665 | \$100,000.

666 | Section 14. This act shall take effect upon becoming a
667 | law.