

By Senator Dockery

15-1362-04

1 A bill to be entitled
2 An act relating to greenways and trails;
3 amending s. 260.012, F.S.; revising legislative
4 intent with respect to the development and
5 completion of the Florida National Scenic
6 Trail; amending s. 260.0125, F.S.; providing
7 that certain facilities open to the public
8 which are designated as part of the state trail
9 system covered by the state's liability
10 protection; providing exceptions; requiring a
11 private landowner's written authorization to
12 the Department of Environmental Protection for
13 public access to land that has been designated;
14 amending s. 260.013, F.S.; revising
15 definitions; amending s. 260.0141, F.S.;
16 deleting provisions authorizing certain
17 acquisitions; amending s. 260.0142, F.S.;
18 revising the powers and duties of the Florida
19 Greenways and Trails Council; amending s.
20 260.015, F.S.; removing obsolete provisions
21 relating to the acquisition of land; amending
22 s. 260.016, F.S.; revising the general powers
23 of the Department of Environmental Protection
24 relating to greenways and trails; creating s.
25 260.020, F.S.; providing legislative intent to
26 encourage state and local agencies to assist
27 public and private entities in securing public
28 access to linear corridors that are suitable
29 for trails; establishing the Conserve by
30 Bicycling Program within the Department of
31 Transportation; requiring the Department of

1 Transportation to conduct a study and complete
2 a report by a specified date; amending s.
3 373.199, F.S.; requiring the water management
4 districts to include information about the
5 Florida National Scenic Trail in the 5-year
6 work plans; amending s. 378.036, F.S.; defining
7 the term "lands mined for phosphate" for
8 purposes of land acquisitions financed by the
9 Nonmandatory Land Reclamation Trust Fund;
10 providing that the corporation formed by the
11 Florida Wildlife Federation, Audubon Florida,
12 and the Rails-to-Trails Conservancy is a
13 nonprofit organization under federal law;
14 specifying how the funds appropriated by the
15 Legislature may be spent; exempting the
16 corporation from certain state competitive
17 bidding requirements for certain services;
18 amending s. 380.503, F.S.; redefining the term
19 "nonprofit organization" as it relates to the
20 Florida Communities Trust Act; amending s.
21 380.507, F.S.; including the Florida National
22 Scenic Trail within the projects funded by the
23 trust; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Subsections (1), (2), and (6) of section
28 260.012, Florida Statutes, are amended to read:

29 260.012 Declaration of policy and legislative
30 intent.--

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1 (1) In order to recognize the benefits of the outdoor
2 areas of Florida, and in order to conserve, develop, and use
3 the natural resources of this state for healthful and
4 recreational purposes, it is declared to be the public policy
5 of this state and the purpose of ss. 260.011-260.018 to
6 provide the means and procedures for establishing and
7 expanding a statewide system of greenways and trails for
8 recreational and conservation purposes and which shall be
9 designated as the "Florida Greenways and Trails System." The
10 standards by which the greenways and trails system shall be
11 acquired, designated, administered, maintained, used, and
12 expanded shall be consistent with the provisions of ss.
13 260.011-260.018. It is the intent of the Legislature that
14 these greenways and trails will serve to implement the
15 concepts of ecosystems management while providing, where
16 appropriate, recreational opportunities, including, but not
17 limited to, equestrian activities ~~horseback riding~~, hiking,
18 bicycling, canoeing, jogging, and historical and
19 archaeological interpretation, thereby improving the health
20 and welfare of the people.

21 (2) It is the intent of the Legislature that a
22 statewide system of greenways and trails be established to
23 provide open space benefiting environmentally sensitive lands
24 and wildlife and providing people with access to healthful
25 outdoor activities. It is also the intent of the Legislature
26 to acquire or designate lands and waterways to facilitate the
27 establishment of a statewide system of greenways and trails;
28 to encourage the multiple use of public rights-of-way and use
29 to the fullest extent existing and future scenic roads,
30 highways, park roads, parkways, greenways, trails, and
31 national recreational trails; to encourage the development of

1 greenways and trails by counties, cities, ~~and~~ special
2 districts, and nongovernmental organizations to assist in such
3 development by any means available; to coordinate greenway and
4 trail plans and development by local governments with one
5 another and with the state government and Federal Government;
6 to encourage, whenever possible, the development of greenways
7 and trails on federal lands by the Federal Government; and to
8 encourage the owners of private lands to protect the existing
9 ecological, historical, and cultural values of their lands,
10 including those values derived from working landscapes.

11 (6) It is the intent of the Legislature to officially
12 recognize the Florida National Scenic Trail as Florida's
13 official statewide nonmotorized trail from the Florida
14 Panhandle to the Everglades and the Florida Keys, an
15 approximate length of more than 1,400 miles. The Legislature
16 recognizes the major contributions made in furtherance of the
17 establishment of the Florida National Scenic Trail by the
18 United States Government, including significant funding, and
19 the efforts of private landowners, state government, and
20 not-for-profit entities, such as the Florida Trail
21 Association. The Legislature also recognizes the significant
22 economic benefit of natural resources based on recreation and
23 its contributions to the state's economy which arise from the
24 creation and completion of the trail. In order to further its
25 commitment to the residents of this state and the United
26 States Government to complete the establishment of the trail
27 in a permanent location, it is also the intent of the
28 Legislature to:

29 (a) Encourage all state, regional, and local agencies
30 who acquire lands to include in their land-buying efforts the
31 acquisition of sufficient legal interest in the lands over

1 which the trail passes to ensure its continued existence in a
2 permanent location.

3 (b) Officially recognize the route of the trail for
4 establishment and acquisition purposes as determined by the
5 United States Department of Agriculture Forest Service,
6 assisted by the Florida Trail Association, in the publication
7 entitled "Preferred Routing for the Florida National Scenic
8 Trail."

9 (c) Encourage the state land-buying programs to
10 consider the trail a single project with multiple phases for
11 the purpose of listing and acquisition, with the assistance of
12 the Florida Trail Association and the Office of Greenways and
13 Trails.

14 (d) Give positive consideration to the inclusion of
15 private funds used to supplement the state's contribution in
16 its efforts to acquire fee, or less-than-fee interests, in
17 lands that contain designated portions of the trail.

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

21 (f) Encourage state and local agencies that are
22 responsible for economic and ecotourism development to
23 recognize the importance of the trail in bringing nature-based
24 tourism to many local communities along the trail route and to
25 support acquisition and development activities for completion
26 of the trail in a permanent location.

27 Section 2. Subsection (3) of section 260.0125, Florida
28 Statutes, is amended, and subsection (8) is added to that
29 section, to read:

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1 260.0125 Limitation on liability of private landowners
2 whose property is designated as part of the statewide system
3 of greenways and trails.--

4 (3)(a) The provisions of subsection (1) shall not
5 apply if there is any charge made or usually made by the
6 landowner for entering or using the land designated as a
7 greenway or trail, or any part thereof, or if any commercial
8 or other activity whereby profit is derived by the landowner
9 from the patronage of the general public is conducted on the
10 land so designated or any part thereof. Because of the
11 difficulty in operating an off-highway vehicle facility and
12 the need for such facilities to be included as part of the
13 state trail system, the exception in this subsection does not
14 apply to anyone who owns or operates an off-highway vehicle
15 facility that is designated as part of the state trail system
16 and is open to the public, unless a fee is charged for a
17 special event or to maintain the financial viability of the
18 operation of the facility.

19 (b) Incentives granted by any unit of government to
20 the private landowner, including tax incentives, grants, or
21 other financial consideration specific to the development or
22 management of designated greenways and trails, shall not be
23 construed as a charge for use or profit derived from patronage
24 for purposes of this subsection and shall not be construed as
25 monetary or material compensation for purposes of subsection
26 (2).

27 (8) When the department determines that public access
28 is appropriate for greenways and trails on private lands,
29 written authorization must be granted by the landowner to the
30 department permitting public access to all or a specified part
31 of the landowner's property. The department's determination

1 shall be noticed under s. 120.525, and the department shall
2 also notify the private landowner by certified mail at least 7
3 days before any public meeting regarding the intent to
4 designate.

5 Section 3. Subsections (3), (4), and (5) of section
6 260.013, Florida Statutes, are amended to read:

7 260.013 Definitions.--As used in ss. 260.011-260.018,
8 unless the context otherwise requires:

9 (3) "Designation" means the identification and
10 inclusion of specific lands and waterways as part of the
11 statewide system of greenways and trails pursuant to a formal
12 public process, including the specific written consent of the
13 landowner. ~~When the department determines that public access~~
14 ~~is appropriate for greenways and trails, written authorization~~
15 ~~must be granted by the landowner to the department permitting~~
16 ~~public access to all or a specified part of the landowner's~~
17 ~~property. The department's determination shall be noticed~~
18 ~~pursuant to s. 120.525, and the department shall also notify~~
19 ~~the landowner by certified mail at least 7 days before any~~
20 ~~public meeting regarding the intent to designate.~~

21 (4) "Greenway" means a linear open space established
22 along either a natural corridor, such as a riverfront, stream
23 valley, or ridgeline, or over land along a railroad
24 right-of-way converted to recreational use, a canal, a scenic
25 road, or other route; any natural or landscaped course for
26 nonmotorized recreation ~~pedestrian or bicycle passage~~; an open
27 space connector linking parks, nature reserves, cultural
28 features, or historic sites with each other and populated
29 areas; or a local strip or linear park designated as a parkway
30 or greenbelt.

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1 (5) "Office of Greenways and Trails" means the Office
2 of Greenways and Trails of the Department of Environmental
3 Protection.

4 ~~(6)(5)~~ "Trails" means linear corridors and any
5 adjacent support parcels on land or water providing public
6 access for recreation or authorized alternative modes of
7 transportation.

8 Section 4. Section 260.0141, Florida Statutes, is
9 amended to read:

10 260.0141 Greenways and Trails Program.--There is
11 established within the department the "Florida Greenways and
12 Trails Program," the purpose of which is to facilitate the
13 establishment of a statewide system of greenways and trails.
14 ~~Such greenways and trails shall be acquired pursuant to this~~
15 ~~act.~~Planning materials, maps, data, and other information
16 developed or used in the program shall not be construed as
17 designation of lands as part of the statewide system of
18 greenways and trails. Identification of lands in such
19 information shall not:

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

23 (2) Be construed or cited as authority to adopt,
24 enforce, or amend any environmental rule or regulation;
25 comprehensive plan goals, policies, or objectives; or zoning
26 or land-use ordinance;

27 (3) Be used as the basis for permit denial; imposition
28 of any permit condition; or application of any rule,
29 regulation, or ordinance by any subdivision of local,
30 regional, or state government; or

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

4 Section 5. Section 260.0142, Florida Statutes, is
5 amended to read:

6 260.0142 Florida Greenways and Trails Council;
7 composition; powers and duties.--

8 (1) There is ~~hereby~~ created within the department of
9 ~~Environmental Protection~~ the Florida Greenways and Trails
10 Council which shall advise the department in the execution of
11 the department's powers and duties under this chapter. The
12 council shall be composed of 21 members, consisting of:

13 (a) Five members appointed by the Governor, with two
14 members representing the trail user community, two members
15 representing the greenway user community, and one member
16 representing private landowners. ~~Of the initial appointments,~~
17 ~~two shall be appointed for 2-year terms and three shall be~~
18 ~~appointed for 1-year terms. Subsequent appointments shall be~~
19 ~~for 2-year terms.~~

20 (b) Three members appointed by the President of the
21 Senate, with one member representing the trail user community
22 and two members representing the greenway user community. ~~Of~~
23 ~~the initial appointments, two shall be appointed for 2-year~~
24 ~~terms and one shall be appointed for a 1-year term. Subsequent~~
25 ~~appointments shall be for 2-year terms.~~

26 (c) Three members appointed by the Speaker of the
27 House of Representatives, with two members representing the
28 trail user community and one member representing the greenway
29 user community. ~~Of the initial appointments, two shall be~~
30 ~~appointed for 2-year terms and one shall be appointed for a~~
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1 ~~1-year term. Subsequent appointments shall be for 2-year~~
2 ~~terms.~~
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4 Those eligible to represent the trail user community shall be
5 chosen from, but not be limited to, paved trail users, hikers,
6 off-road bicyclists, users of off-highway vehicles, paddlers,
7 equestrians, disabled outdoor recreational users, and
8 commercial recreational interests. Those eligible to represent
9 the greenway user community shall be chosen from, but not be
10 limited to, conservation organizations, nature study
11 organizations, and scientists and university experts.
12 (d) The 10 remaining members shall include:
13 1. The Secretary of Environmental Protection or a
14 designee;
15 2. The executive director of the Fish and Wildlife
16 Conservation Commission or a designee;
17 3. The Secretary of Community Affairs or a designee;
18 4. The Secretary of Transportation or a designee;
19 5. The Director of the Division of Forestry of the
20 Department of Agriculture and Consumer Services or a designee;
21 6. The director of the Division of Historical
22 Resources of the Department of State or a designee;
23 7. A representative of the water management districts
24 who shall be appointed to a 2-year term ~~serve for 1 year.~~
25 Membership on the council shall rotate among the five
26 districts. The districts shall determine the order of
27 rotation;
28 8. A representative of a federal land management
29 agency. The Secretary of Environmental Protection shall
30 identify the appropriate federal agency and request
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1 designation of a representative from the agency to serve on
2 the council;

3 9. A representative of the regional planning councils
4 to be appointed by the Secretary of Environmental Protection,
5 in consultation with the Secretary of Community Affairs,
6 Membership on the council shall rotate among the seven
7 councils. The councils shall determine the order of rotation,
8 ~~for a single 2-year term. The representative shall not be~~
9 ~~selected from the same regional planning council for~~
10 ~~successive terms; and~~

11 10. A representative of local governments to be
12 appointed by the Secretary of Environmental Protection, in
13 consultation with the Secretary of Community Affairs, for a
14 single 2-year term. Membership shall alternate between a
15 county representative and a municipal representative.

16 (2) The department shall provide necessary staff
17 assistance to the council.

18 (3) Each appointee shall be appointed to a 2-year term
19 unless otherwise specified. The appointees of the Governor,
20 the President of the Senate, and the Speaker of the House of
21 Representatives may be reappointed for no more than four
22 consecutive terms. The representative of the water management
23 districts, regional planning councils, and local governments
24 may be reappointed for no more than two consecutive terms. The
25 ~~council is authorized to contract for and to accept gifts,~~
26 ~~grants, or other aid from the United States Government or any~~
27 ~~person or corporation.~~

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

30 (a) ~~Advise the Department of Environmental Protection,~~
31 ~~the Department of Community Affairs, the Department of~~

1 ~~Transportation, the Fish and Wildlife Conservation Commission,~~
2 ~~the Division of Forestry of the Department of Agriculture and~~
3 ~~Consumer Services, the water management districts, and the~~
4 ~~regional planning councils on policies relating to the Florida~~
5 ~~Greenways and Trails System, and promote intergovernmental~~
6 ~~cooperation;~~

7 (a)~~(b)~~ Facilitate a statewide system of interconnected
8 landscape linkages, conservation corridors, greenbelts,
9 recreational corridors and trails, scenic corridors,
10 utilitarian corridors, reserves, regional parks and preserves,
11 ecological sites, and cultural/historic/recreational sites,
12 using;

13 ~~(c)~~ Facilitate a statewide system of interconnected
14 land-based trails that connect urban, suburban, and rural
15 areas of the state and facilitate expansion of the statewide
16 system of freshwater and saltwater paddling trails;

17 (b)~~(d)~~ Recommend priorities for critical links in the
18 Florida Greenways and Trails System;

19 (c)~~(e)~~ Review recommendations of the Office of
20 Greenways and Trails applications for acquisition funding
21 under the Florida Greenways and Trails Program and recommend
22 to the Secretary of Environmental Protection which projects
23 should be acquired;

24 ~~(f)~~ Provide funding recommendations to agencies and
25 organizations regarding the acquisition, development, and
26 management of greenways and trails, including the promotion of
27 private landowner incentives;

28 (d)~~(g)~~ Review designation proposals for inclusion in
29 the Florida Greenways and Trails System;

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1 ~~(h) Provide advocacy and education to benefit the~~
2 ~~statewide system of greenways and trails by encouraging~~
3 ~~communication and conferencing;~~

4 (e)(i) Encourage public-private partnerships to
5 develop and manage greenways and trails;

6 (f)(j) Review progress toward meeting established
7 benchmarks and recommend appropriate action;

8 (g)(k) Make recommendations for updating and revising
9 the implementation plan for the Florida Greenways and Trails
10 System;

11 ~~(l) Advise the Land Acquisition and Management~~
12 ~~Advisory Council or its successor to ensure the incorporation~~
13 ~~of greenways and trails in land management plans on lands~~
14 ~~managed by the Department of Environmental Protection, the~~
15 ~~Fish and Wildlife Conservation Commission, the Division of~~
16 ~~Historical Resources of the Department of State, and the~~
17 ~~Division of Forestry of the Department of Agriculture and~~
18 ~~Consumer Services;~~

19 ~~(m) Provide advice and assistance to the Department of~~
20 ~~Transportation and the water management districts regarding~~
21 ~~the incorporation of greenways and trails into their planning~~
22 ~~efforts;~~

23 ~~(n) Encourage land use, environmental, and coordinated~~
24 ~~linear infrastructure planning to facilitate the~~
25 ~~implementation of local, regional, and statewide greenways and~~
26 ~~trails systems;~~

27 (h)(o) Promote greenways and trails support
28 organizations; and

29 (i)(p) Support the Florida Greenways and Trails System
30 through intergovernmental coordination, budget

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1 recommendations, advocacy, education, and in any other
2 appropriate way.

3 (5) The council shall establish procedures for
4 conducting its affairs in execution of the duties and
5 responsibilities stated in this section, which operating
6 procedures shall include determination of a council chair and
7 other appropriate operational guidelines. The council shall
8 meet at the call of the chair, or at such times as may be
9 prescribed by its operating procedures. The council may
10 establish committees to conduct the work of the council and
11 the committees may include nonmembers as appropriate.

12 (6) A vacancy on the council shall be filled for the
13 remainder of the unexpired term in the same manner as the
14 original appointment. Members whose terms have expired may
15 continue to serve until replaced or reappointed. ~~No member~~
16 ~~shall serve on the council for more than two consecutive~~
17 ~~terms.~~

18 (7) Members of the council may ~~shall~~ not receive any
19 compensation for their services but are ~~shall be~~ entitled to
20 receive reimbursement for per diem and travel expenses
21 incurred in the performance of their duties, as provided in s.
22 112.061.

23 Section 6. Paragraph (c) of subsection (1) of section
24 260.015, Florida Statutes, is amended to read:

25 260.015 Acquisition of land.--

26 (1) The department is authorized to acquire by gift or
27 purchase the fee simple absolute title or any lesser interest
28 in land, including easements, for the purposes of ss.
29 260.011-260.018 pursuant to the provisions of chapter 375,
30 except that:

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1 (c) Projects acquired under this chapter shall not be
2 subject to the evaluation and selection procedures of s.
3 259.035, regardless of the estimated value of such projects.
4 All projects shall be acquired in accordance with the
5 acquisition procedures of chapter 259, except that the
6 department may use the appraisal procedure used by the
7 Department of Transportation to acquire transportation
8 rights-of-way. ~~When a parcel is estimated to be valued at~~
9 ~~\$100,000 or less and the department finds that the costs of~~
10 ~~obtaining an outside appraisal are not justified, an appraisal~~
11 ~~prepared by the department may be used.~~

12 Section 7. Subsections (1) and (2) of section 260.016,
13 Florida Statutes, are amended to read:

14 260.016 General powers of the department.--

15 (1) The department may:

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

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

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

30 1. Establishing a designation process.

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

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

6 4. Charging fees for use.

7 5. Providing public access.

8 6. Providing for maintenance.

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

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

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

20 (d)(e) Establish, develop, and publicize greenways and
21 trails in a manner that will permit public recreation when
22 appropriate without damaging natural resources. The Big Bend
23 Historic Saltwater Paddling Trail from the St. Marks River to
24 Yankeetown is hereby designated as part of the Florida
25 Greenways and Trails System. Additions to this trail may be
26 added by the Legislature or the department ~~from time to time~~
27 as part of the a statewide saltwater circumnavigation trail.

28 (e)(f) Enter into agreements with any federal, state,
29 or local governmental agency, or any other entity for the
30 management of greenways and trails for recreation and
31 conservation purposes consistent with the intent of this

1 chapter. Such entities must demonstrate their capabilities of
2 management for the purposes defined in ss. 260.011-260.018.

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

7 (g)~~(h)~~ Receive or accept from any legal source, grants
8 for the purpose of providing or improving public greenways and
9 trails, and the department is authorized to disburse funds as
10 pass-through grants to federal, state, or local government
11 agencies, recognized tribal units, or to nonprofit entities
12 created for this purpose. The department has authority to
13 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
14 the provisions of this subsection. Such rules shall provide,
15 but are not limited to, the following: procedures for grant
16 administration and accountability; eligibility, selection
17 criteria; maximum grant amounts and number of pending grants;
18 dedication requirements; and conversion procedures and
19 requirements.

20 (2) The department shall:

21 (a) Evaluate lands for the acquisition of greenways
22 and trails and compile a list of suitable corridors,
23 greenways, and trails, ranking them in order of priority for
24 proposed acquisition. The department shall devise a method of
25 evaluation which includes, but is not limited to, the
26 consideration of the importance and function of such corridors
27 within the statewide system as reflected on the opportunity
28 maps and landowners' willingness to negotiate.

29 (b) Maintain an updated list of abandoned and
30 to-be-abandoned railroad rights-of-way.

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1 (c) Provide information to public and private agencies
2 and organizations on abandoned rail corridors which are or
3 will be available for acquisition from the railroads or for
4 lease for interim recreational use from the Department of
5 Transportation.

6 (d) Develop and implement a process for designation of
7 lands and waterways as a part of the statewide system of
8 greenways and trails, which shall include:

9 1. Development and dissemination of criteria for
10 designation.

11 2. Development and dissemination of criteria for
12 changes in the terms or conditions of designation, including
13 withdrawal or termination of designation. A landowner may have
14 his or her lands removed from designation by providing the
15 department with a written request that contains an adequate
16 description of such lands to be removed. Provisions shall be
17 made in the designation agreement for disposition of any
18 future improvements made to the land by the department.

19 3. Public notice pursuant to s. 120.525 in all phases
20 of the process.

21 4. Written authorization from the landowner in the
22 form of a lease or other instrument for the designation and
23 granting of public access, if appropriate, to a landowner's
24 property.

25 5. A greenway or trail use plan as a part of the
26 designation agreement which shall, at a minimum, describe the
27 types and intensities of uses of the property.

28 (e) Implement the plan for the Florida Greenways and
29 Trails System as adopted by the Florida Greenways Coordinating
30 Council on September 11, 1998.

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1 Section 8. Section 260.020, Florida Statutes, is
2 created to read:

3 260.020 Colocating of trails.--The Legislature
4 recognizes the importance of the colocation of multiuse
5 recreational trails within appropriate linear corridors
6 throughout the state which are presently, or in the future,
7 the location of various facilities used to supply the public
8 with electricity, natural gas, water, sewers, drainage, flood
9 control, fiber optic lines, roadways, and other services. It
10 is the intent of the Legislature to encourage all state and
11 local agencies to assist various public and private entities
12 in securing public access to the linear corridors that are
13 suitable for trails, including, but not limited to: funding
14 the acquisition of colocation easements; assisting in the
15 design, construction, and maintenance of trails constructed in
16 the linear corridors; allowing consideration of the colocation
17 of trails as part of mitigation plans in the permitting
18 processes once natural systems are protected and department
19 uniform mitigation rules are met; and giving full
20 consideration to the public nature of these colocated trails
21 in proceedings under ss. 403.501-403.518, the Florida
22 Electrical Power Plant Siting Act, ss. 403.52-403.5365, the
23 Transmission Siting Act; and ss. 403-9401-403.9425, the
24 Natural Gas Transmission Siting Act.

25 Section 9. There is created within the Department of
26 Transportation the "Conserve by Bicycling Program."

27 (1) The goal of the Conserve by Bicycling Program is
28 to:

29 (a) Save energy by increasing the number of miles
30 ridden by bicycles, hence reducing the usage of petroleum
31 based fuels.

1 (b) Increase efficiency of cycling as a transportation
2 mode by improving interconnectivity.

3 (c) Reduce traffic congestion on existing roads.

4 (d) Provide recreational opportunities for this
5 state's residents and visitors.

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

8 (f) Provide safe ways for children to travel from home
9 to school by supporting the Safe Paths to Schools Program.

10 (2) In order to help accomplish these goals, the
11 department shall conduct a Conserve by Bicycling study that
12 shall include a determination of the following:

13 (a) Those instances in which energy savings can be
14 realized if more and safer bicycle facilities are created
15 which will reduce motorized use in the area;

16 (b) How the shift in road capacity may be realized in
17 true energy and cost savings;

18 (c) Those cases in which the use of education and
19 marketing programs may convert motor vehicle trips to bicycle
20 trips;

21 (d) How, and under what circumstances, the
22 construction of bicycling facilities can provide more
23 opportunities for recreation and exercise, which may lead to a
24 reduction of health risks associated with a sedentary
25 lifestyle;

26 (e) How the Safe Paths to Schools Program and other
27 similar programs may reduce school-related commuter traffic,
28 which will result in energy and roadway savings as well as
29 improve the health of children throughout the state; and

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1 (f) How partnerships can be created among interested
2 parties in the following areas to achieve a better chance of
3 success for the program:

- 4 1. Transportation;
- 5 2. Law enforcement;
- 6 3. Education;
- 7 4. Public health;
- 8 5. Environment; and
- 9 6. Energy conservation.

10 (3) The study shall produce measurable criteria than
11 can be used by the department to determine where and under
12 what circumstances the construction of bicycling facilities
13 will reduce energy consumption and the need and cost of
14 roadway capacity, as well as realizing the associated health
15 benefits.

16 (4) The department shall conduct the study with the
17 assistance of the State Bicycle/Pedestrian Coordinator,
18 metropolitan planning organizations, the Office of Greenways
19 and Trails of the Department of Environmental Protection, and
20 the Department of Health and the department is encouraged to
21 hire consultants to participate in portions of the study from
22 the following organizations;

- 23 (a) The Florida Bicycle Association;
- 24 (b) The Rails-to-Trails Conservancy;
- 25 (c) The American Heart Association; and
- 26 (d) The American Lung Association.

27 (5) The study shall be completed and copies forwarded
28 to the Governor, the President of the Senate, the Speaker of
29 the House of Representatives, and the secretaries of the
30 Departments of Transportation, Environmental Protection, and
31 the Department of Health by July 1, 2006.

1 Section 10. Paragraph (k) of subsection (4) of section
2 373.199, Florida Statutes, is amended to read:

3 373.199 Florida Forever Water Management District Work
4 Plan.--

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

7 (k) An identification of the proposed public access
8 for projects with land acquisition components, including the
9 Florida National Scenic Trail.

10 Section 11. Subsection (6) of section 378.036, Florida
11 Statutes, is amended to read:

12 378.036 Land acquisitions financed by Nonmandatory
13 Land Reclamation Trust Fund moneys.--

14 (6)(a) ~~By January 1, 2004, or within 6 months~~
15 ~~following the date funds become available from the~~
16 ~~legislature, whichever is later,~~The Florida Wildlife
17 Federation, Audubon Florida, and Rails-to-Trails Conservancy
18 in partnership with the Florida Phosphate Council are
19 authorized to form a nonprofit corporation under ~~pursuant to~~
20 chapter 617 for the purpose of implementing this section by
21 creating plans and assisting in the development of public
22 recreational opportunities on lands mined for phosphate in the
23 state. The term "lands mined for phosphate" include those
24 lands adjacent to and connecting mined lands.The first plans
25 must concentrate on recreational activities in Hardee and
26 Hamilton Counties which will assist them in rural economic
27 development. The corporation is exempt from sales tax under
28 state law regardless of its status under s. 501(c) of the
29 United States Internal Revenue Code and is considered a s.
30 501(c)(3) nonprofit corporation for all state and local
31 requirements.

1 (b) The board of directors of the corporation shall be
2 composed of three members, one designated by the Florida
3 Phosphate Council, one as the designee of the Florida Wildlife
4 Federation, Audubon Florida, and Rails-to-Trails Conservancy,
5 and the third chosen by the other two designees.

6 (c) The business of the corporation shall be conducted
7 by the board of directors or a chief executive officer as the
8 board shall see fit in accordance with the provisions of its
9 articles of incorporation and applicable law. The activities
10 of the corporation shall be coordinated with all landowners
11 who have voluntarily agreed to participate in the process as
12 well as any local government where such lands are recorded.

13 (d) All of the funds provided in Specific
14 Appropriation 1637A of the General Appropriations Act of 2003
15 and any future appropriations to the corporation of less than
16 \$500,000 shall be paid directly to the corporation, without
17 the need for securing grants or advanced-payment approval from
18 the department or the Chief Financial Officer, regardless of
19 previous agreements between the corporation and the
20 department. Funds paid or appropriated to the corporation by
21 the state may be expended for any valid purpose of the
22 corporation as established in this section, including, but not
23 limited to, the formation and management of the corporation,
24 securing the services of experts and consultants, conducting
25 audits, developing engineering plans, assisting in obtaining
26 permits and approvals from governmental agencies, as well as
27 other actions that further the goals of the corporation in
28 creating plans and assisting in the development of
29 recreational opportunities on lands mined for phosphate in the
30 state. The corporation shall seek the lowest reasonable cost
31 for the delivery of services without sacrificing quality while

1 providing for the special needs of the corporation and shall
2 encourage diversity in hiring and may not discriminate against
3 any person because of race, age, gender, religion, or national
4 origin. In following these policies, the corporation is not
5 required to comply with state competitive bidding requirements
6 for contacts of less than \$100,000 and shall adopt a written
7 policy describing how services for the corporation will be
8 secured.An annual report of the activities of the
9 corporation, including a certified audit, shall be presented
10 to the Secretary of Environmental Protection or his or her
11 designee by October 31 of each year following incorporation.
12 The audit must set forth the manner in which the corporate
13 funds have been spent and an inventory of all corporate
14 physical assets.

15 (e) The corporation shall dissolve on January 1, 2009,
16 unless dissolved previously by action of its board of
17 directors or extended by the Legislature. Upon dissolution,
18 any moneys remaining in the accounts of the corporation that
19 are unobligated shall be returned to the funds from which they
20 were appropriated in proportion to the amount contributed. All
21 tangible assets of the corporation at dissolution which were
22 acquired using state funding shall become the property of the
23 Department of Environmental Protection.

24 Section 12. Subsection (5) of section 380.503, Florida
25 Statutes, is amended to read:

26 380.503 Definitions.--As used in ss. 380.501-380.515,
27 unless the context indicates a different meaning or intent:

28 (5) "Nonprofit organization" means any private
29 nonprofit organization, existing under the provisions of s.
30 501(c)(3) of the United States Internal Revenue Code, which
31 has among its principal goals the conservation of natural

1 resources, the establishment of public recreational trails
2 that are part of the state trail system,or protection of the
3 environment.

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

6 380.507 Powers of the trust.--The trust shall have all
7 the powers necessary or convenient to carry out the purposes
8 and provisions of this part, including:

9 (4) To acquire and dispose of real and personal
10 property or any interest therein when necessary or appropriate
11 to protect the natural environment, provide public access or
12 public recreational facilities and including the Florida
13 National Scenic Trail, preserve wildlife habitat areas,
14 provide access for managing acquired lands, or otherwise carry
15 out the purposes of this part. If the trust acquires land for
16 permanent state ownership, title to such land shall be vested
17 in the Board of Trustees of the Internal Improvement Trust
18 Fund; otherwise, title to property acquired in partnership
19 with a county or municipality shall vest in the name of the
20 local government. Notwithstanding any other provision of law,
21 the trust may enter into an option agreement to purchase lands
22 included in projects approved according to this part, when
23 necessary to reserve lands during the preparation of project
24 plans and during acquisition proceedings. The consideration
25 for an option shall not exceed \$100,000.

26 Section 14. This act shall take effect upon becoming a
27 law.

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SENATE SUMMARY

Clarifies that the Florida National Scenic Trail is for nonmotorized use only, to conform to federal requirements. Provides that certain facilities open to the public which are designated as part of the statewide system of greenways and trails are under the state's liability protection. Requires a private landowner's written authorization to the Department of Environmental Protection for public access to the landowner's land that has been designated as part of the statewide system of greenways and trails. Amends the general powers of the Department of Environmental Protection relating to greenways and trails. Establishes the Conserve by Bicycling Program within the Department of Transportation. Requires the Department of Transportation to conduct a study relating to the Conserve by Bicycling Program. Requires the water management districts to include information about the Florida National Scenic Trail in their 5-year work plan. Provides that the corporation formed by the Florida Wildlife Federation, Audubon Florida, and the Rails-to-Trails Conservancy is a nonprofit organization under federal law. (See bill for details.)