

By the Committee on Natural Resources; and Senators Dockery
and Cowin

312-2405-04

1 A bill to be entitled
2 An act relating to greenways and trails;
3 renaming ch. 260, F.S., as "Florida Greenways
4 and Trails"; amending s. 260.012, F.S.;
5 revising legislative intent with respect to the
6 development and completion of the Florida
7 National Scenic Trail; amending s. 260.0125,
8 F.S.; providing that certain facilities open to
9 the public which are designated as part of the
10 state trail system are covered by the state's
11 liability protection; providing exceptions;
12 requiring a private landowner's written
13 authorization to the Department of
14 Environmental Protection for public access to
15 private land that has been designated part of
16 the state's trail system; amending s. 260.013,
17 F.S.; revising definitions; amending s.
18 260.0141, F.S.; deleting provisions authorizing
19 certain acquisitions; amending s. 260.0142,
20 F.S.; revising the powers and duties of the
21 Florida Greenways and Trails Council; extending
22 the terms of certain appointees; providing for
23 reappointment of appointees; amending
24 eligibility requirements for appointees of the
25 trail-user community to include users of
26 off-road highway vehicles; amending s. 260.015,
27 F.S.; removing provisions for appraisal of
28 certain property by the department; amending s.
29 260.016, F.S.; revising the general powers of
30 the Department of Environmental Protection
31 relating to greenways and trails; amending s.

1 373.199, F.S.; requiring the water management
2 districts to include information about the
3 Florida National Scenic Trail in the 5-year
4 work plans; amending s. 378.036, F.S.; defining
5 the term "lands mined for phosphate" for
6 purposes of land acquisitions financed by the
7 Nonmandatory Land Reclamation Trust Fund;
8 providing that Florida Mining-Recreation, Inc.,
9 formed by the Florida Wildlife Federation,
10 Audubon Florida, and the Rails-to-Trails
11 Conservancy is exempt from the tax imposed
12 under ch. 212, F.S.; providing that Florida
13 Mining-Recreation, Inc., is considered a
14 nonprofit corporation for all state and local
15 requirements applicable thereto; specifying how
16 funds appropriated by the Legislature may be
17 spent; exempting the corporation from state
18 competitive bidding requirements for certain
19 services; providing an effective date.
20

21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Chapter 260, Florida Statutes, entitled
24 "Recreational Trails System," is renamed "Florida Greenways
25 and Trails."

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

28 260.012 Declaration of policy and legislative
29 intent.--

30 (1) In order to recognize the benefits of the outdoor
31 areas of Florida, and in order to conserve, develop, and use

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

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

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

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

26 (a) Encourage all state, regional, and local agencies
27 who acquire lands to include in their land-buying efforts the
28 acquisition of sufficient legal interest in the lands over
29 which the trail passes to ensure its continued existence in a
30 permanent location.

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

7 (c) With the assistance of the Florida Trail
8 Association and the Office of Greenways and Trails, encourage
9 state land-buying agencies to consider the trail a single
10 project with multiple phases for the purpose of listing and
11 acquisition.

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

16 (e) Continue encouraging landowners to allow the use
17 of private property for trail purposes through existing and
18 future incentives and liability protection.

19 (f) Encourage state and local agencies with economic
20 and ecotourism development responsibilities to recognize the
21 importance of the trail in bringing nature-based tourism to
22 local communities along the trail route and to support
23 acquisition and development activities for completion of the
24 trail in a permanent location. ~~It is also the intent of the~~
25 ~~Legislature to encourage all state, regional, and local~~
26 ~~agencies who acquire lands to include in their land-buying~~
27 ~~efforts the acquisition of sufficient legal interest in the~~
28 ~~lands over which the trail passes to ensure its continued~~
29 ~~existence in a permanent location.~~

30 Section 3. Section 260.0125, Florida Statutes, is
31 amended to read:

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; limitation on liability of owners or
4 operators of off-highway vehicle facilities that are
5 designated as part of the state trail system.--

6 (1)(a) A private landowner whose land is designated as
7 part of the statewide system of greenways and trails pursuant
8 to s. 260.016(2)(d), including a person holding a subservient
9 interest, owes no duty of care to keep that land safe for
10 entry or use by others or to give warning to persons entering
11 that land of any hazardous conditions, structures, or
12 activities thereon. Such landowner shall not:

13 1. Be presumed to extend any assurance that such land
14 is safe for any purpose;

15 2. Incur any duty of care toward a person who goes on
16 the land; or

17 3. Become liable or responsible for any injury to
18 persons or property caused by the act or omission of a person
19 who goes on the land.

20 (b) The provisions of paragraph (a) apply whether the
21 person going on the designated greenway or trail is an
22 invitee, licensee, trespasser, or otherwise.

23 (2) Any private landowner who consents to designation
24 of his or her land as part of the statewide system of
25 greenways and trails pursuant to s. 260.016(2)(d) without
26 compensation shall be considered a volunteer, as defined in s.
27 110.501, and shall be covered by state liability protection
28 pursuant to s. 768.28, including s. 768.28(9).

29 (3)(a) The provisions of subsection (1) shall not
30 apply if there is any charge made or usually made by the
31 landowner for entering or using the land designated as a

1 greenway or trail, or any part thereof, or if any commercial
2 or other activity whereby profit is derived by the landowner
3 from the patronage of the general public is conducted on the
4 land so designated or any part thereof.

5 (b) Incentives granted by any unit of government to
6 the private landowner, including tax incentives, grants, or
7 other financial consideration specific to the development or
8 management of designated greenways and trails, shall not be
9 construed as a charge for use or profit derived from patronage
10 for purposes of this subsection and shall not be construed as
11 monetary or material compensation for purposes of subsection
12 (2).

13 (c) Because of the difficulty in siting and operating
14 an off-highway vehicle facility and the need for such
15 facilities to be included as part of the state trail system,
16 this subsection does not apply to anyone who owns or operates
17 an off-highway vehicle facility that:

18 1. Is or has been recommended for designation as part
19 of the state trail system by the Off-Highway Vehicle
20 Recreation Advisory Committee established in s. 261.04;

21 2. Is or has been adopted into the state trail system
22 by the department;

23 3. Is open to the general public except for special
24 events; and

25 4. Charges a fee that is necessary for the financial
26 viability of the operation of the facility.

27 (4) The provisions of subsection (1) shall also apply
28 to adjacent land owned by the private landowner who consents
29 to designation of a greenway or trail where such adjacent land
30 is accessed through the land so designated.

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1 (5)(a) When a private landowner agrees to make his or
2 her land available for public use as a designated greenway or
3 trail, the department or its designee shall post notices along
4 the boundary of the designated greenway or trail which inform
5 the public that the land adjacent to the greenway or trail is
6 private property upon which unauthorized entry for any purpose
7 is prohibited and constitutes trespassing.

8 (b) Such notices must comply with s. 810.011(5) and
9 shall constitute a warning to unauthorized persons to remain
10 off the private property and not to depart from the designated
11 greenway or trail. Any person who commits such an unauthorized
12 entry commits a trespass as provided in s. 810.09.

13 (6) If agreed to by the department and the landowner
14 in the designation agreement, a landowner whose land is
15 designated as part of the statewide system of greenways and
16 trails pursuant to s. 260.016(2)(d) shall be indemnified for:

17 (a) Any injury or damage incurred by a third party
18 arising out of the use of the designated greenway or trail;

19 (b) Any injury or damage incurred by a third party on
20 lands adjacent to and accessed through the designated greenway
21 or trail; and

22 (c) Any damage to the landowner's property, including
23 land adjacent to and accessed through the designated greenway
24 or trail, caused by the act or omission of a third person
25 resulting from any use of the land so designated.

26 (7) When the department determines that public access
27 is appropriate for greenways and trails on private lands that
28 are the subject of a designation agreement, the department
29 must receive written authorization from the private landowner
30 before permitting public access to all or a specified part of
31 the property. Not later than 7 days before any public meeting,

1 the department must notify the private landowner by certified
2 mail of its intent to determine whether public access to
3 private property that is the subject of a designation
4 agreement is appropriate. The department's determination must
5 be noticed pursuant to s. 120.525.

6 (8)~~(7)~~ This section does not relieve any person of
7 liability that would otherwise exist for deliberate, willful,
8 or malicious injury to persons or property. The provisions of
9 this section shall not be deemed to create or increase the
10 liability of any person.

11 Section 4. Subsections (3), (4), and (5) of section
12 260.013, Florida Statutes, are amended to read:

13 260.013 Definitions.--As used in ss. 260.011-260.018,
14 unless the context otherwise requires:

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

27 (4) "Greenway" means a linear open space established
28 along either a natural corridor, such as a riverfront, stream
29 valley, or ridgeline, or over land along a railroad
30 right-of-way converted to recreational use, a canal, a scenic
31 road, or other route; any natural or landscaped course for

1 nonmotorized recreation ~~pedestrian or bicycle passage~~; an open
2 space connector linking parks, nature reserves, cultural
3 features, or historic sites with each other and populated
4 areas; or a local strip or linear park designated as a parkway
5 or greenbelt.

6 (5) "Office" means the Office of Greenways and Trails
7 of the Department of Environmental Protection.

8 (6)~~(5)~~ "Trails" means linear corridors and any
9 adjacent support parcels on land or water providing public
10 access for recreation or authorized alternative modes of
11 transportation.

12 Section 5. Section 260.0141, Florida Statutes, is
13 amended to read:

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

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

27 (2) Be construed or cited as authority to adopt,
28 enforce, or amend any environmental rule or regulation;
29 comprehensive plan goals, policies, or objectives; or zoning
30 or land-use ordinance;

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

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

8 Section 6. Section 260.0142, Florida Statutes, is
9 amended to read:

10 260.0142 Florida Greenways and Trails Council;
11 composition; powers and duties.--

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

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

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

30 (c) Three members appointed by the Speaker of the
31 House of Representatives, with two members representing the

1 trail user community and one member representing the greenway
2 user community. ~~Of the initial appointments, two shall be~~
3 ~~appointed for 2-year terms and one shall be appointed for a~~
4 ~~1-year term. Subsequent appointments shall be for 2-year~~
5 ~~terms.~~

6
7 Those eligible to represent the trail user community shall be
8 chosen from, but not be limited to, paved trail users, hikers,
9 off-road bicyclists, users of off-highway vehicles, paddlers,
10 equestrians, disabled outdoor recreational users, and
11 commercial recreational interests. Those eligible to represent
12 the greenway user community shall be chosen from, but not be
13 limited to, conservation organizations, nature study
14 organizations, and scientists and university experts.

15 (d) The 10 remaining members shall include:

- 16 1. The Secretary of Environmental Protection or a
17 designee;
- 18 2. The executive director of the Fish and Wildlife
19 Conservation Commission or a designee;
- 20 3. The Secretary of Community Affairs or a designee;
- 21 4. The Secretary of Transportation or a designee;
- 22 5. The Director of the Division of Forestry of the
23 Department of Agriculture and Consumer Services or a designee;
- 24 6. The director of the Division of Historical
25 Resources of the Department of State or a designee;
- 26 7. A representative of the water management districts
27 ~~who shall serve for 1 year~~. Membership on the council shall
28 rotate among the five districts. The districts shall determine
29 the order of rotation;
- 30 8. A representative of a federal land management
31 agency. The Secretary of Environmental Protection shall

1 identify the appropriate federal agency and request
2 designation of a representative from the agency to serve on
3 the council;

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

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

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

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

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

1 ~~(a) Advise the Department of Environmental Protection,~~
2 ~~the Department of Community Affairs, the Department of~~
3 ~~Transportation, the Fish and Wildlife Conservation Commission,~~
4 ~~the Division of Forestry of the Department of Agriculture and~~
5 ~~Consumer Services, the water management districts, and the~~
6 ~~regional planning councils on policies relating to the Florida~~
7 ~~Greenways and Trails System, and promote intergovernmental~~
8 ~~cooperation.~~

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

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

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

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

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

29 (d)~~(g)~~ Review designation proposals for inclusion in
30 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 7. 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 8. Subsection (1) and paragraph (a) of
13 subsection (2) of section 260.016, Florida Statutes, are
14 amended to read:

15 260.016 General powers of the department.--

16 (1) The department may:

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

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

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

31 1. Establishing a designation process.

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.

11

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 Section 9. Paragraph (k) of subsection (4) of section
30 373.199, Florida Statutes, is amended to read:

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1 373.199 Florida Forever Water Management District Work
2 Plan.--

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

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

8 Section 10. Subsection (6) of section 378.036, Florida
9 Statutes, as created by section 5 of chapter 2003-423, Laws of
10 Florida, is amended to read:

11 378.036 Land acquisitions financed by Nonmandatory
12 Land Reclamation Trust Fund moneys.--

13 (6)(a) ~~By January 1, 2004, or within 6 months~~
14 ~~following the date funds become available from the~~
15 ~~legislature, whichever is later,~~The Florida Wildlife
16 Federation, Audubon Florida, and Rails-to-Trails Conservancy
17 in partnership with the Florida Phosphate Council are
18 authorized to form a nonprofit corporation, Florida
19 Mining-Recreation, Inc., pursuant to chapter 617 for the
20 purpose of implementing this section by creating plans and
21 assisting in the development of public recreational
22 opportunities on lands mined for phosphate in the state. The
23 term "lands mined for phosphate" include those lands adjacent
24 to and connecting mined lands.The first plans must
25 concentrate on recreational activities in Hardee and Hamilton
26 Counties which will assist them in rural economic development.
27 Florida Mining-Recreation, Inc., is exempt from the tax
28 imposed under chapter 212, regardless of its status pursuant
29 to s. 501(c) of the United States Internal Revenue Code, and
30 shall be considered a nonprofit corporation for all state and
31 local requirements applicable thereto.

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) Any funds provided in the General Appropriations
14 Act of 2004 and any future appropriations to the corporation
15 of \$200,000 or less shall be paid directly to Florida-Mining
16 Recreation, Inc. Funds paid or appropriated to the corporation
17 by the state may be expended for any valid purpose of the
18 corporation as established in this subsection including the
19 formation and management of the corporation, securing the
20 services of experts and consultants, conducting audits,
21 developing engineering plans, assisting in obtaining permits
22 and approvals from governmental agencies, and other actions
23 that further the goals of the corporation in creating plans
24 and assisting in the development of public recreational
25 opportunities on lands mined for phosphate in the state. The
26 corporation shall not be required to comply with state
27 competitive bidding requirements for contracts under \$100,000
28 and must adopt a written policy that establishes how services
29 for the corporation will be secured.An annual report of the
30 activities of the corporation, including a certified audit,
31 shall be presented to the Secretary of Environmental

1 Protection or his or her designee by October 31 of each year
2 following incorporation. The audit must set forth the manner
3 in which the corporate funds have been spent and an inventory
4 of all corporate physical assets.

5 (e) The corporation shall dissolve on January 1, 2009,
6 unless dissolved previously by action of its board of
7 directors or extended by the Legislature. Upon dissolution,
8 any moneys remaining in the accounts of the corporation that
9 are unobligated shall be returned to the funds from which they
10 were appropriated in proportion to the amount contributed. All
11 tangible assets of the corporation at dissolution which were
12 acquired using state funding shall become the property of the
13 Department of Environmental Protection.

14 Section 11. This act shall take effect upon becoming a
15 law.

16
17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 Senate Bill 2804

20 The committee substitute removes provisions of the original
21 bill relating to the collocation of multiuse recreation sites
22 within appropriate linear corridors which are, or will be, the
23 location of facilities used to supply the public with
24 electricity, natural gas, water, sewers, fiber optic line or
25 other services. The committee substitute also removes
26 provisions of the bill providing for the creation of the
27 "Conserve by Bicycling" program within the Florida Department
28 of Transportation, and clarifies provisions of the original
29 bill relating to funding for Florida Mining-Recreation, Inc.,
30 a Florida nonprofit corporation formed in partnership with the
31 Florida Phosphate Council, to create plans and assist in the
development of recreational opportunities on lands mined for
phosphate.