

1 program; requiring the department, in
2 conjunction with specified organizations, to
3 conduct a Conserve by Bicycle study; requiring
4 that the study be submitted to the Governor,
5 the Legislature, and the secretaries of
6 Transportation, Environmental Protection, and
7 Health, under certain circumstances; amending
8 s. 373.199, F.S.; requiring the water
9 management districts to include information
10 about the Florida National Scenic Trail in the
11 5-year work plans; amending s. 378.036, F.S.;
12 defining the term "lands mined for phosphate"
13 for purposes of land acquisitions financed by
14 the Nonmandatory Land Reclamation Trust Fund;
15 exempting sales or leases to Florida
16 Mining-Recreation, Inc., from the tax on sales,
17 use, and other transactions; specifying how
18 funds appropriated by the Legislature may be
19 spent; exempting the corporation from state
20 competitive bidding requirements for certain
21 services; amending s. 380.507, F.S.; revising
22 provisions relating to the acquisition or
23 disposition of certain property under the
24 Florida Communities Trust Program; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Chapter 260, Florida Statutes, entitled
30 "Recreational Trails System," is renamed "Florida Greenways
31 and Trails."

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

3 260.011 Popular name ~~Short title~~.--Sections
4 260.011-260.018 shall be known by the popular name ~~and may be~~
5 ~~cited as~~ the "Florida Greenways and Trails Act."

6 Section 3. Subsections (1), (2), and (6) of section
7 260.012, Florida Statutes, are amended to read:

8 260.012 Declaration of policy and legislative
9 intent.--

10 (1) In order to recognize the benefits of the outdoor
11 areas of Florida, and in order to conserve, develop, and use
12 the natural resources of this state for healthful and
13 recreational purposes, it is declared to be the public policy
14 of this state and the purpose of ss. 260.011-260.018 to
15 provide the means and procedures for establishing and
16 expanding a statewide system of greenways and trails for
17 recreational and conservation purposes and which shall be
18 designated as the "Florida Greenways and Trails System." The
19 standards by which the greenways and trails system shall be
20 acquired, designated, administered, maintained, used, and
21 expanded shall be consistent with the provisions of ss.
22 260.011-260.018. It is the intent of the Legislature that
23 these greenways and trails will serve to implement the
24 concepts of ecosystems management while providing, where
25 appropriate, recreational opportunities, including, but not
26 limited to, equestrian activities ~~horseback riding~~, hiking,
27 bicycling, canoeing, jogging, and historical and
28 archaeological interpretation, thereby improving the health
29 and welfare of the people.

30 (2) It is the intent of the Legislature that a
31 statewide system of greenways and trails be established to

1 provide open space benefiting environmentally sensitive lands
2 and wildlife and providing people with access to healthful
3 outdoor activities. It is also the intent of the Legislature
4 to acquire or designate lands and waterways to facilitate the
5 establishment of a statewide system of greenways and trails;
6 to encourage the multiple use of public rights-of-way and use
7 to the fullest extent existing and future scenic roads,
8 highways, park roads, parkways, greenways, trails, and
9 national recreational trails; to encourage the development of
10 greenways and trails by counties, cities, ~~and~~ special
11 districts, and nongovernmental organizations to assist in such
12 development by any means available; to coordinate greenway and
13 trail plans and development by local governments with one
14 another and with the state government and Federal Government;
15 to encourage, whenever possible, the development of greenways
16 and trails on federal lands by the Federal Government; and to
17 encourage the owners of private lands to protect the existing
18 ecological, historical, and cultural values of their lands,
19 including those values derived from working landscapes.

20 (6) It is the intent of the Legislature to officially
21 recognize the Florida National Scenic Trail as Florida's
22 official statewide nonmotorized trail from the Florida
23 Panhandle to the Everglades and the Florida Keys, an
24 approximate length of more than 1,400 miles. The Legislature
25 recognizes the major contributions made in furtherance of the
26 establishment of the Florida National Scenic Trail by the
27 United States Government, including significant funding, and
28 the efforts of private landowners, state government, and
29 not-for-profit entities such as the Florida Trail Association.
30 The Legislature also recognizes the significant economic
31 benefit of nature-based recreation and the contributions to

1 the state's economy which arise from the creation and
2 completion of the trail. In order to further its commitment to
3 the residents of this state and the United States Government
4 to complete the establishment of the trail in a permanent
5 location, it is further the intent of the Legislature to:

6 (a) Encourage all state, regional, and local agencies
7 who acquire lands to include in their land-buying efforts the
8 acquisition of sufficient legal interest in the lands over
9 which the trail passes to ensure its continued existence in a
10 permanent location.

11 (b) Officially recognize the route of the trail for
12 establishment and acquisition purposes as determined by the
13 U.S.D.A. Forest Service, assisted by the Florida Trail
14 Association, in the publication entitled "Preferred Routing
15 for the Florida National Scenic Trail."

16 (c) With the assistance of the Florida Trail
17 Association and the Office of Greenways and Trails, encourage
18 state land-buying agencies to consider the trail a single
19 project with multiple phases for the purpose of listing and
20 acquisition.

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

25 (e) Encourage private landowners to continue to allow
26 the use of private property for trail purposes through
27 existing and future incentives and liability protection.

28 (f) Encourage state and local agencies with economic
29 and ecotourism development responsibilities to recognize the
30 importance of the trail in bringing nature-based tourism to
31 local communities along the trail route and to support

1 acquisition and development activities for completion of the
2 trail in a permanent location. ~~It is also the intent of the~~
3 ~~Legislature to encourage all state, regional, and local~~
4 ~~agencies who acquire lands to include in their land buying~~
5 ~~efforts the acquisition of sufficient legal interest in the~~
6 ~~lands over which the trail passes to ensure its continued~~
7 ~~existence in a permanent location.~~

8 Section 4. Present subsection (7) of section 260.0125,
9 Florida Statutes, is redesignated as subsection (8), and a new
10 subsection (7) is added to that section, to read:

11 260.0125 Limitation on liability of private landowners
12 whose property is designated as part of the statewide system
13 of greenways and trails.--

14 (7) When the department determines that public access
15 is appropriate for greenways and trails on private lands that
16 are the subject of a designation agreement, the department
17 must receive written authorization from the private landowner
18 before permitting public access to all or a specified part of
19 the property. Not later than 7 days before any public meeting,
20 the department must notify the private landowner by certified
21 mail of its intent to determine whether public access to
22 private property that is the subject of a designation
23 agreement is appropriate. The department's determination must
24 be noticed pursuant to s. 120.525.

25 Section 5. Subsection (3) of section 260.013, Florida
26 Statutes, is amended, present subsection (5) of that section
27 is redesignated as subsection (6), and a new subsection (5) is
28 added to that section, to read:

29 260.013 Definitions.--As used in ss. 260.011-260.018,
30 unless the context otherwise requires:

31

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

13 (5) "Office" means the Office of Greenways and Trails
14 of the Department of Environmental Protection.

15 Section 6. Section 260.0141, Florida Statutes, is
16 amended to read:

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

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

30 (2) Be construed or cited as authority to adopt,
31 enforce, or amend any environmental rule or regulation;

1 comprehensive plan goals, policies, or objectives; or zoning
2 or land-use ordinance;

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

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

10 Section 7. Section 260.0142, Florida Statutes, is
11 amended to read:

12 260.0142 Florida Greenways and Trails Council;
13 composition; powers and duties.--

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

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

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

1 (c) Three members appointed by the Speaker of the
2 House of Representatives, with two members representing the
3 trail user community and one member representing the greenway
4 user community. ~~Of the initial appointments, two shall be~~
5 ~~appointed for 2 year terms and one shall be appointed for a~~
6 ~~1 year term. Subsequent appointments shall be for 2 year~~
7 ~~terms.~~

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

17 (d) The 10 remaining members shall include:

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

1 8. A representative of a federal land management
2 agency. The Secretary of Environmental Protection shall
3 identify the appropriate federal agency and request
4 designation of a representative from the agency to serve on
5 the council;

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

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

19 (2) The department shall provide necessary staff
20 assistance to the council.

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

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

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

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

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

21 (b)(d) Recommend priorities for critical links in the
22 Florida Greenways and Trails System.;

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

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

31

1 ~~(d)(g)~~ Review designation proposals for inclusion in
2 the Florida Greenways and Trails System.†

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

6 ~~(e)(i)~~ Encourage public-private partnerships to
7 develop and manage greenways and trails.†

8 ~~(f)(j)~~ Review progress toward meeting established
9 benchmarks and recommend appropriate action.†

10 ~~(g)(k)~~ Make recommendations for updating and revising
11 the implementation plan for the Florida Greenways and Trails
12 System.†

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

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

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

29 ~~(h)(o)~~ Promote greenways and trails support
30 organizations.† and

31

1 ~~(i)(p)~~ Support the Florida Greenways and Trails System
2 through intergovernmental coordination, budget
3 recommendations, advocacy, education, and in any other
4 appropriate way.

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

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

20 (7) Members of the council may ~~shall~~ not receive any
21 compensation for their services but are ~~shall be~~ entitled to
22 receive reimbursement for per diem and travel expenses
23 incurred in the performance of their duties, as provided in s.
24 112.061.

25 Section 8. Paragraph (c) of subsection (1) of section
26 260.015, Florida Statutes, is amended to read:

27 260.015 Acquisition of land.--

28 (1) The department is authorized to acquire by gift or
29 purchase the fee simple absolute title or any lesser interest
30 in land, including easements, for the purposes of ss.
31

1 260.011-260.018 pursuant to the provisions of chapter 375,
2 except that:

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

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

17 260.016 General powers of the department.--

18 (1) The department may:

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

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

29 ~~(b)(c)~~ Adopt appropriate rules to implement or
30 interpret this act and portions of chapter 253 relating to
31

1 greenways and trails, which may include, but are not limited
2 to, rules for the following:

- 3 1. Establishing a designation process.
- 4 2. Negotiating and executing agreements with private
5 landowners.
- 6 3. Establishing prohibited activities or restrictions
7 on activities to protect the health, safety, and welfare of
8 the public.
- 9 4. Charging fees for use.
- 10 5. Providing public access.
- 11 6. Providing for maintenance.
- 12 7. Any matter necessary to the evaluation, selection,
13 operation, and maintenance of greenways and trails.

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

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

23 ~~(d)(e)~~ Establish, develop, and publicize greenways and
24 trails in a manner that will permit public recreation when
25 appropriate without damaging natural resources. The Big Bend
26 Historic Saltwater Paddling Trail from the St. Marks River to
27 Yankeetown is hereby designated as part of the Florida
28 Greenways and Trails System. Additions to this trail may be
29 added by the Legislature or the department from time to time
30 as part of the a statewide saltwater circumnavigation trail.
31

1 ~~(e)(f)~~ Enter into agreements with any federal, state,
2 or local governmental agency, or any other entity for the
3 management of greenways and trails for recreation and
4 conservation purposes consistent with the intent of this
5 chapter. Such entities must demonstrate their capabilities of
6 management for the purposes defined in ss. 260.011-260.018.

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

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

24 (2) The department shall:

25 (a) Evaluate lands for the acquisition of greenways
26 and trails and compile a list of suitable corridors,
27 greenways, and trails, ranking them in order of priority for
28 proposed acquisition. The department shall devise a method of
29 evaluation which includes, but is not limited to, the
30 consideration of the importance and function of such corridors
31

1 within the statewide system as reflected on the opportunity
2 maps and landowners' willingness to negotiate.

3 Section 10. Section 335.067, Florida Statutes, is
4 created to read:

5 335.067 Conserve by Bicycle Program.--There is created
6 within the Department of Transportation the Conserve by
7 Bicycle Program.

8 (1) The purposes of the Conserve by Bicycle Program
9 are to:

10 (a) Save energy by increasing the number of miles
11 ridden on bicycles, thereby reducing the usage of
12 petroleum-based fuels.

13 (b) Increase efficiency of cycling as a transportation
14 mode by improving interconnectivity.

15 (c) Reduce traffic congestion on existing roads.

16 (d) Provide recreational opportunities for Florida
17 residents and visitors.

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

20 (f) Provide safe ways for children to travel from
21 their homes to their schools by supporting the Safe Paths to
22 Schools Program.

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

26 (a) Where energy savings can be realized when more and
27 safer bicycle facilities, such as bicycle paths, bicycle
28 lanes, and other safe locations for bicycle use, are created
29 which reduce the use of motor vehicles in the area.

30 (b) Where the use of education and marketing programs
31 can covert motor vehicle trips into bicycle trips.

1 (c) How and under what circumstances the construction
2 of bicycling facilities can provide more opportunities for
3 recreation and how exercise can lead to a reduction of health
4 risks associated with a sedentary lifestyle.

5 (d) How the Safe Paths to Schools Program and other
6 similar programs can reduce school-related commuter traffic,
7 which will result in energy and roadway savings as well as
8 improve the health of children throughout the state.

9 (e) How partnerships can be created among interested
10 parties in the fields of transportation, law enforcement,
11 education, public health, environmental restoration and
12 conservation, and energy conservation to achieve a better
13 possibility of success for the program.

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

20 (4) The department shall conduct the study with the
21 assistance of the State Pedestrian/Bicycle Coordinator,
22 metropolitan planning organizations, the Office of Greenways
23 and Trails of the Department of Environmental Protection, and
24 the Department of Health.

25 (5) By July 1, 2006, if sufficient funds are available
26 in the department's budget or from the Federal Government, the
27 study shall be completed and shall be submitted to the
28 Governor, the President of the Senate, the Speaker of the
29 House of Representatives, the Secretary of Transportation, the
30 Secretary of Environmental Protection, and the Secretary of
31 Health.

1 Section 11. 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 12. Subsection (6) of section 378.036, Florida
11 Statutes, as created by section 5 of chapter 2003-423, Laws of
12 Florida, is amended to read:

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

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

1 nonprofit corporation for all state and local requirements
2 applicable thereto.

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

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

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

1 activities of the corporation, including a certified audit,
2 shall be presented to the Secretary of Environmental
3 Protection or his or her designee by October 31 of each year
4 following incorporation. The audit must set forth the manner
5 in which the corporate funds have been spent and an inventory
6 of all corporate physical assets.

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

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

18 380.507 Powers of the trust.--The trust shall have all
19 the powers necessary or convenient to carry out the purposes
20 and provisions of this part, including:

21 (4) To acquire and dispose of real and personal
22 property or any interest therein when necessary or appropriate
23 to protect the natural environment, provide public access or
24 public recreational facilities including the Florida National
25 Scenic Trail, preserve wildlife habitat areas, provide access
26 for managing acquired lands, or otherwise carry out the
27 purposes of this part. If the trust acquires land for
28 permanent state ownership, title to such land shall be vested
29 in the Board of Trustees of the Internal Improvement Trust
30 Fund; otherwise, title to property acquired in partnership
31 with a county or municipality shall vest in the name of the

1 | local government. Notwithstanding any other provision of law,
2 | the trust may enter into an option agreement to purchase lands
3 | included in projects approved according to this part, when
4 | necessary to reserve lands during the preparation of project
5 | plans and during acquisition proceedings. The consideration
6 | for an option shall not exceed \$100,000.

7 | Section 14. This act shall take effect upon becoming a
8 | law.

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10 | STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 | COMMITTEE SUBSTITUTE FOR
12 | CS/SB 2804

13 | The committee substitute (CS) creates the "Conserve by
14 | Bicycling Program" within the Florida Department of
15 | Transportation (FDOT) and establishes goals for the program.
16 | It requires that FDOT conduct a study and specifies the issues
17 | to be addressed. This study is contingent on funding within
18 | FDOT's existing budget or federal funding. The CS authorizes
19 | the Florida Communities Trust to acquire and dispose of real
20 | and personal property for the purpose of providing public
21 | access or public recreational facilities that include the
22 | Florida National Scenic Trail. In addition, the CS deletes
23 | language that provided limitations on liability for
24 | off-highway vehicle facilities that are part of the trail
25 | system under certain circumstances.

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