

1 A bill to be entitled
2 An act relating to greenways and trails; renaming ch. 260,
3 F.S., as "Florida Greenways and Trails"; amending s.
4 260.011, F.S.; providing a popular name; amending s.
5 260.012, F.S.; revising legislative intent with respect to
6 the development and completion of the Florida National
7 Scenic Trail; conforming cross references; amending s.
8 260.0125, F.S.; conforming cross references; requiring a
9 private landowner's written authorization to the
10 Department of Environmental Protection for public access
11 to private land that has been designated part of the
12 state's trail system; amending s. 260.013, F.S.; revising
13 and providing definitions; amending s. 260.0141, F.S.;
14 deleting provisions authorizing certain acquisitions;
15 amending s. 260.0142, F.S.; revising the powers and duties
16 of the Florida Greenways and Trails Council; extending the
17 terms of certain appointees; providing for reappointment
18 of appointees; amending eligibility requirements for
19 appointees of the trail user community to include users of
20 off-highway vehicles; amending s. 260.015, F.S.; removing
21 provisions for appraisal of certain property by the
22 department; conforming cross references; amending s.
23 260.016, F.S.; revising the general powers of the
24 department; conforming cross references; amending s.
25 260.018, F.S.; conforming a cross reference; creating s.
26 260.019, F.S.; establishing the Florida Circumnavigation
27 Saltwater Paddling Trail; providing for review,
28 adjustment, and redesignation of the trail segments by the

29 department; providing for a report to the Governor and
 30 Legislature by a specified date providing the names and
 31 locations of each trail segment pursuant to such review;
 32 creating s. 335.067, F.S.; creating the Conserve by
 33 Bicycle Program within the Department of Transportation;
 34 providing purposes of the program; requiring the
 35 department to conduct a Conserve by Bicycle study;
 36 amending s. 373.199, F.S.; requiring water management
 37 districts to include information about the Florida
 38 National Scenic Trail in the Florida Forever Water
 39 Management District Work Plan; amending s. 378.036, F.S.;
 40 providing a definition; authorizing certain corporations
 41 to designate certain replacement members on the board of
 42 directors of Florida Mining-Recreation, Inc.; requiring
 43 Florida Mining-Recreation, Inc., to submit a report to the
 44 Department of Environmental Protection and conduct an
 45 audit at the request of the Secretary of Environmental
 46 Protection; amending s. 380.507, F.S.; revising the powers
 47 of the Florida Communities Trust with respect to the
 48 Florida National Scenic Trail; amending s. 110.501, F.S.;
 49 conforming a cross reference; providing an effective date.

50
 51 Be It Enacted by the Legislature of the State of Florida:

52
 53 Section 1. Chapter 260, Florida Statutes, entitled
 54 "Recreational Trails System," is renamed "Florida Greenways and
 55 Trails."

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

58 260.011 Popular name ~~Short title.~~--This chapter Sections
 59 ~~260.011-260.018 shall be known and~~ may be cited as the "Florida
 60 Greenways and Trails Act."

61 Section 3. Subsections (1), (2), (5), and (6) of section
 62 260.012, Florida Statutes, are amended to read:

63 260.012 Declaration of policy and legislative intent.--

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

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

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

111 funds, property, or property rights from public or private
112 sources to be used for such purposes.

113 (6) It is the intent of the Legislature to officially
114 recognize the Florida National Scenic Trail as Florida's
115 official statewide nonmotorized trail from the Florida Panhandle
116 to the Everglades and the Florida Keys, an approximate length of
117 more than 1,400 miles. The Legislature recognizes the major
118 contributions made in furtherance of the establishment of the
119 Florida National Scenic Trail by the United States Government,
120 including significant funding, and the efforts of private
121 landowners, state government, and not-for-profit entities such
122 as the Florida Trail Association. The Legislature also
123 recognizes the significant economic benefit of nature-based
124 recreation and the contributions to the state's economy which
125 arise from the creation and completion of the trail. In order to
126 further its commitment to the residents of this state and the
127 United States Government to complete the establishment of the
128 trail in a permanent location, it is further the intent of the
129 Legislature to:

130 (a) Encourage all state, regional, and local agencies
131 which acquire lands to include in their land-buying efforts the
132 acquisition of sufficient legal interest in the lands over which
133 the trail passes to ensure its continued existence in a
134 permanent location.

135 (b) Officially recognize the route of the trail for
136 establishment and acquisition purposes as determined by the
137 U.S.D.A. Forest Service, assisted by the Florida Trail
138 Association, in the publication entitled "Preferred Routing for

139 the Florida National Scenic Trail."

140 (c) With the assistance of the Florida Trail Association
 141 and the Office of Greenways and Trails, encourage state land-
 142 buying agencies to consider the trail a single project with
 143 multiple phases for the purpose of listing and acquisition.

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

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

151 (f) Encourage state and local agencies with economic and
 152 ecotourism development responsibilities to recognize the
 153 importance of the trail in bringing nature-based tourism to
 154 local communities along the trail route and to support
 155 acquisition and development activities for completion of the
 156 trail in a permanent location. ~~It is also the intent of the~~
 157 ~~Legislature to encourage all state, regional, and local agencies~~
 158 ~~who acquire lands to include in their land-buying efforts the~~
 159 ~~acquisition of sufficient legal interest in the lands over which~~
 160 ~~the trail passes to ensure its continued existence in a~~
 161 ~~permanent location.~~

162 Section 4. Subsections (1), (2), and (6) of section
 163 260.0125, Florida Statutes, are amended, subsection (7) is
 164 renumbered as subsection (8), and a new subsection (7) is added
 165 to said section, to read:

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166 260.0125 Limitation on liability of private landowners
167 whose property is designated as part of the statewide system of
168 greenways and trails.--

169 (1)(a) A private landowner whose land is designated as
170 part of the statewide system of greenways and trails pursuant to
171 s. 260.016(2)(c)~~(d)~~, including a person holding a subservient
172 interest, owes no duty of care to keep that land safe for entry
173 or use by others or to give warning to persons entering that
174 land of any hazardous conditions, structures, or activities
175 thereon. Such landowner shall not:

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

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

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

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

186 (2) Any private landowner who consents to designation of
187 his or her land as part of the statewide system of greenways and
188 trails pursuant to s. 260.016(2)(c)~~(d)~~ without compensation
189 shall be considered a volunteer, as defined in s. 110.501, and
190 shall be covered by state liability protection pursuant to s.
191 768.28, including s. 768.28(9).

192 (6) If agreed to by the department and the landowner in
193 the designation agreement, a landowner whose land is designated

194 as part of the statewide system of greenways and trails pursuant
 195 to s. 260.016(2)(c)(d) shall be indemnified for:

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

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

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

205 (7) When the department determines that public access is
 206 appropriate for greenways and trails on private lands that are
 207 the subject of a designation agreement, the department must
 208 receive written authorization from the private landowner before
 209 permitting public access to all or a specified part of the
 210 property. Not later than 7 days before any public meeting, the
 211 department must notify the private landowner by certified mail
 212 of its intent to determine whether public access to private
 213 property that is the subject of a designation agreement is
 214 appropriate. The department's determination must be noticed
 215 pursuant to s. 120.525.

216 Section 5. Section 260.013, Florida Statutes, is amended
 217 to read:

218 260.013 Definitions.--As used in this chapter ~~ss. 260.011-~~
 219 ~~260.018~~, unless the context otherwise requires:

220 (1) "Board" means the Board of Trustees of the Internal
 221 Improvement Trust Fund.

222 (2) "Department" means the Department of Environmental
 223 Protection.

224 (3) "Designation" means the identification and inclusion
 225 of specific lands and waterways as part of the statewide system
 226 of greenways and trails pursuant to a formal public process,
 227 including the specific written consent of the landowner. ~~When~~
 228 ~~the department determines that public access is appropriate for~~
 229 ~~greenways and trails, written authorization must be granted by~~
 230 ~~the landowner to the department permitting public access to all~~
 231 ~~or a specified part of the landowner's property. The~~
 232 ~~department's determination shall be noticed pursuant to s.~~
 233 ~~120.525, and the department shall also notify the landowner by~~
 234 ~~certified mail at least 7 days before any public meeting~~
 235 ~~regarding the intent to designate.~~

236 (4) "Greenway" means a linear open space established along
 237 either a natural corridor, such as a riverfront, stream valley,
 238 or ridgeline, or over land along a railroad right-of-way
 239 converted to recreational use, a canal, a scenic road, or other
 240 route; any natural or landscaped course for pedestrian or
 241 bicycle passage; an open space connector linking parks, nature
 242 reserves, cultural features, or historic sites with each other
 243 and populated areas; or a local strip or linear park designated
 244 as a parkway or greenbelt.

245 (5) "Office" means the Office of Greenways and Trails of
 246 the Department of Environmental Protection.

247 (6)~~(5)~~ "Trails" means linear corridors and any adjacent
 248 support parcels on land or water providing public access for
 249 recreation or authorized alternative modes of transportation.

250 Section 6. Section 260.0141, Florida Statutes, is amended
 251 to read:

252 260.0141 Greenways and Trails Program.--There is
 253 established within the department the "Florida Greenways and
 254 Trails Program," the purpose of which is to facilitate the
 255 establishment of a statewide system of greenways and trails.
 256 ~~Such greenways and trails shall be acquired pursuant to this~~
 257 ~~act.~~ Planning materials, maps, data, and other information
 258 developed or used in the program shall not be construed as
 259 designation of lands as part of the statewide system of
 260 greenways and trails. Identification of lands in such
 261 information shall not:

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

265 (2) Be construed or cited as authority to adopt, enforce,
 266 or amend any environmental rule or regulation; comprehensive
 267 plan goals, policies, or objectives; or zoning or land-use
 268 ordinance;

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

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

276 Section 7. Section 260.0142, Florida Statutes, is amended
 277 to read:

278 260.0142 Florida Greenways and Trails Council;
 279 composition; powers and duties.--

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

285 (a) Five members appointed by the Governor, with two
 286 members representing the trail user community, two members
 287 representing the greenway user community, and one member
 288 representing private landowners. ~~Of the initial appointments,~~
 289 ~~two shall be appointed for 2-year terms and three shall be~~
 290 ~~appointed for 1-year terms. Subsequent appointments shall be for~~
 291 ~~2-year terms.~~

292 (b) Three members appointed by the President of the
 293 Senate, with one member representing the trail user community
 294 and two members representing the greenway user community. ~~Of the~~
 295 ~~initial appointments, two shall be appointed for 2-year terms~~
 296 ~~and one shall be appointed for a 1-year term. Subsequent~~
 297 ~~appointments shall be for 2-year terms.~~

298 (c) Three members appointed by the Speaker of the House of
 299 Representatives, with two members representing the trail user
 300 community and one member representing the greenway user
 301 community. ~~Of the initial appointments, two shall be appointed~~
 302 ~~for 2-year terms and one shall be appointed for a 1-year term.~~
 303 ~~Subsequent appointments shall be for 2-year terms.~~

304

305 Those eligible to represent the trail user community shall be
 306 chosen from, but not be limited to, paved trail users, hikers,
 307 off-road bicyclists, users of off-highway vehicles, paddlers,
 308 equestrians, disabled outdoor recreational users, and commercial
 309 recreational interests. Those eligible to represent the greenway
 310 user community shall be chosen from, but not be limited to,
 311 conservation organizations, nature study organizations, and
 312 scientists and university experts.

313 (d) The 10 remaining members shall include:

314 1. The Secretary of Environmental Protection or a
 315 designee.+

316 2. The executive director of the Fish and Wildlife
 317 Conservation Commission or a designee.+

318 3. The Secretary of Community Affairs or a designee.+

319 4. The Secretary of Transportation or a designee.+

320 5. The Director of the Division of Forestry of the
 321 Department of Agriculture and Consumer Services or a designee.+

322 6. The director of the Division of Historical Resources of
 323 the Department of State or a designee.+

324 7. A representative of the water management districts ~~who~~
 325 ~~shall serve for 1 year~~. Membership on the council shall rotate
 326 among the five districts. The districts shall determine the
 327 order of rotation.+

328 8. A representative of a federal land management agency.
 329 The Secretary of Environmental Protection shall identify the
 330 appropriate federal agency and request designation of a
 331 representative from the agency to serve on the council.+

332 9. A representative of the regional planning councils to

333 be appointed by the Secretary of Environmental Protection, in
 334 consultation with the Secretary of Community Affairs. Membership
 335 on the council shall rotate among the seven regional planning
 336 councils. The regional planning councils shall determine the
 337 order of rotation., ~~for a single 2-year term. The representative~~
 338 ~~shall not be selected from the same regional planning council~~
 339 ~~for successive terms; and~~

340 10. A representative of local governments to be appointed
 341 by the Secretary of Environmental Protection, in consultation
 342 with the Secretary of Community Affairs, ~~for a single 2-year~~
 343 ~~term.~~ Membership shall alternate between a county representative
 344 and a municipal representative.

345 (2) The department shall provide necessary staff
 346 assistance to the council.

347 (3) The term of all appointees shall be for 2 years unless
 348 otherwise specified. The appointees of the Governor, the
 349 President of the Senate, and the Speaker of the House of
 350 Representatives may be reappointed for no more than four
 351 consecutive terms. The representatives of the water management
 352 districts, regional planning councils, and local governments may
 353 be reappointed for no more than two consecutive terms. All other
 354 appointees shall serve until replaced. ~~The council is authorized~~
 355 ~~to contract for and to accept gifts, grants, or other aid from~~
 356 ~~the United States Government or any person or corporation.~~

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

359 (a) ~~Advise the Department of Environmental Protection, the~~
 360 ~~Department of Community Affairs, the Department of~~

361 ~~Transportation, the Fish and Wildlife Conservation Commission,~~
 362 ~~the Division of Forestry of the Department of Agriculture and~~
 363 ~~Consumer Services, the water management districts, and the~~
 364 ~~regional planning councils on policies relating to the Florida~~
 365 ~~Greenways and Trails System, and promote intergovernmental~~
 366 ~~cooperation;~~

367 (a)~~(b)~~ Facilitate a statewide system of interconnected
 368 landscape linkages, conservation corridors, greenbelts,
 369 recreational corridors and trails, scenic corridors, utilitarian
 370 corridors, reserves, regional parks and preserves, ecological
 371 sites, and cultural/historic/recreational sites using;

372 ~~(c)~~ Facilitate a statewide system of interconnected land-
 373 based trails that connect urban, suburban, and rural areas of
 374 the state and facilitate expansion of the statewide system of
 375 freshwater and saltwater paddling trails.

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

378 (c)~~(e)~~ Review recommendations of the office applications
 379 for acquisition funding under the Florida Greenways and Trails
 380 Program and recommend to the Secretary of Environmental
 381 Protection which projects should be acquired.

382 ~~(f)~~ Provide funding recommendations to agencies and
 383 organizations regarding the acquisition, development, and
 384 management of greenways and trails, including the promotion of
 385 private landowner incentives;

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

388 ~~(h) Provide advocacy and education to benefit the~~
 389 ~~statewide system of greenways and trails by encouraging~~
 390 ~~communication and conferencing;~~

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

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

395 (g)(k) Make recommendations for updating and revising the
 396 implementation plan for the Florida Greenways and Trails
 397 System.;

398 ~~(l) Advise the Land Acquisition and Management Advisory~~
 399 ~~Council or its successor to ensure the incorporation of~~
 400 ~~greenways and trails in land management plans on lands managed~~
 401 ~~by the Department of Environmental Protection, the Fish and~~
 402 ~~Wildlife Conservation Commission, the Division of Historical~~
 403 ~~Resources of the Department of State, and the Division of~~
 404 ~~Forestry of the Department of Agriculture and Consumer Services;~~

405 ~~(m) Provide advice and assistance to the Department of~~
 406 ~~Transportation and the water management districts regarding the~~
 407 ~~incorporation of greenways and trails into their planning~~
 408 ~~efforts;~~

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

412 (h)(o) Promote greenways and trails support
 413 organizations.;

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

417 (5) The council shall establish procedures for conducting
 418 its affairs in execution of the duties and responsibilities
 419 stated in this section, which operating procedures shall include
 420 determination of a council chair and other appropriate
 421 operational guidelines. The council shall meet at the call of
 422 the chair, or at such times as may be prescribed by its
 423 operating procedures. The council may establish committees to
 424 conduct the work of the council and the committees may include
 425 nonmembers as appropriate.

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

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

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

437 260.015 Acquisition of land.--

438 (1) The department is authorized to acquire by gift or
 439 purchase the fee simple absolute title or any lesser interest in
 440 land, including easements, for the purposes of this chapter ~~ss.~~

441 ~~260.011-260.018~~ pursuant to the provisions of chapter 375,
 442 except that:

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

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

449 (c) Projects acquired under this chapter shall not be
 450 subject to the evaluation and selection procedures of s.
 451 259.035, regardless of the estimated value of such projects. All
 452 projects shall be acquired in accordance with the acquisition
 453 procedures of chapter 259, except that the department may use
 454 the appraisal procedure used by the Department of Transportation
 455 to acquire transportation rights-of-way. ~~When a parcel is~~
 456 ~~estimated to be valued at \$100,000 or less and the department~~
 457 ~~finds that the costs of obtaining an outside appraisal are not~~
 458 ~~justified, an appraisal prepared by the department may be used.~~

459 (3) Easements, licenses, and use agreements upon, over,
 460 under, across, or along any land, the fee title of which has
 461 been acquired for the purposes of this chapter ~~ss. 260.011-~~
 462 ~~260.018~~, may be granted by the department so long as the use of
 463 the easement, license, or use agreement does not interfere with
 464 the purposes of this chapter ~~ss. 260.011-260.018~~.

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

467 260.016 General powers of the department.--

468 (1) The department may:

469 (a) Publish and distribute appropriate maps of ~~designated~~
 470 greenways and trails. ~~The description shall include a~~
 471 ~~generalized map delineating the area designated, location of~~
 472 ~~suitable ingress and egress sites, as well as other points of~~
 473 ~~interest to enhance the recreational opportunities of the~~
 474 ~~public.~~

475 ~~(b) Establish access routes and related public-use~~
 476 ~~facilities along greenways and trails which will not~~
 477 ~~substantially interfere with the nature and purposes of the~~
 478 ~~greenway or trail.~~

479 (b)(e) Adopt appropriate rules to implement or interpret
 480 this chapter ~~act~~ and portions of chapter 253 relating to
 481 greenways and trails, which may include, but are not limited to,
 482 rules for the following:

- 483 1. Establishing a designation process.
- 484 2. Negotiating and executing agreements with private
 485 landowners.
- 486 3. Establishing prohibited activities or restrictions on
 487 activities to protect the health, safety, and welfare of the
 488 public.
- 489 4. Charging fees for use.
- 490 5. Providing public access.
- 491 6. Providing for maintenance.
- 492 7. Any matter necessary to the evaluation, selection,
 493 operation, and maintenance of greenways and trails.

494

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

498 (c)~~(d)~~ Coordinate the activities of all governmental units
 499 and bodies and special districts that desire to participate in
 500 the development and implementation of the Florida Greenways and
 501 Trails System.

502 (d)~~(e)~~ Establish, develop, and publicize greenways and
 503 trails in a manner that will permit public recreation when
 504 appropriate without damaging natural resources. ~~The Big Bend
 505 Historic Saltwater Paddling Trail from the St. Marks River to
 506 Yankeetown is hereby designated as part of the Florida Greenways
 507 and Trails System. Additions to this trail may be added by the
 508 department from time to time as part of a statewide saltwater
 509 circumnavigation trail.~~

510 (e)~~(f)~~ Enter into agreements with any federal, state, or
 511 local governmental agency, or any other entity for the
 512 management of greenways and trails for recreation and
 513 conservation purposes consistent with the intent of this
 514 chapter. Such entities must demonstrate their capabilities of
 515 management for the purposes defined in this chapter ~~ss. 260.011-~~
 516 ~~260.018.~~

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

521 (g)~~(h)~~ Receive or accept from any legal source, grants for
 522 the purpose of providing or improving public greenways and

523 | trails, and the department is authorized to disburse funds as
 524 | pass-through grants to federal, state, or local government
 525 | agencies, recognized tribal units, or to nonprofit entities
 526 | created for this purpose. The department has authority to adopt
 527 | rules pursuant to ss. 120.536(1) and 120.54 to implement the
 528 | provisions of this subsection. Such rules shall provide, but are
 529 | not limited to, the following: procedures for grant
 530 | administration and accountability; eligibility, selection
 531 | criteria; maximum grant amounts and number of pending grants;
 532 | dedication requirements; and conversion procedures and
 533 | requirements.

534 | (2) The department shall:

535 | (a) Evaluate lands for the acquisition of greenways and
 536 | trails and compile a list of suitable corridors, greenways, and
 537 | trails, ranking them in order of priority for proposed
 538 | acquisition. The department shall devise a method of evaluation
 539 | which includes, but is not limited to, the consideration of the
 540 | importance and function of such corridors within the statewide
 541 | system as reflected on the opportunity maps and landowners'
 542 | willingness to negotiate.

543 | Section 10. Section 260.018, Florida Statutes, is amended
 544 | to read:

545 | 260.018 Agency recognition.--All agencies of the state,
 546 | regional planning councils through their comprehensive plans,
 547 | and local governments through their local comprehensive planning
 548 | process pursuant to chapter 163 shall recognize the special
 549 | character of publicly owned lands and waters designated by the
 550 | state as greenways and trails and shall not take any action

551 which will impair their use as designated. Identification of
 552 lands or waterways in planning materials, maps, data, and other
 553 information developed or used in the greenways and trails
 554 program shall not be cause for such lands or waterways to be
 555 subject to this section, unless such lands or waterways have
 556 been designated as a part of the statewide system of greenways
 557 and trails pursuant to s. 260.016(2)(~~c~~)(~~d~~).

558 Section 11. Section 260.019, Florida Statutes, is created
 559 to read:

560 260.019 Florida Circumnavigation Saltwater Paddling
 561 Trail.--

562 (1) The Florida Circumnavigation Saltwater Paddling Trail
 563 is hereby created as part of the Florida Greenways and Trails
 564 Program.

565 (2) The department shall establish the initial starting
 566 and ending points by latitude and longitude for the trail
 567 segments described in subsection (3) within 180 days after the
 568 effective date of this act. Except for the Big Bend Saltwater
 569 Paddling Trail, segment 6, the department has the exclusive
 570 authority to officially name and locate the remaining 25 trail
 571 segments. The department shall name and locate the segments
 572 based on logical geographical boundaries, safety to trail users,
 573 ease of management, desires of local communities and user
 574 groups, and other factors that assist in the overall success of
 575 the trail system. The department may adjust the location of any
 576 trail segment; give official recognition to specific sites along
 577 the trail route; publish official trail guides and literature in
 578 cooperation with other governmental and private entities; and

579 resolve conflicts that may arise between competing and
 580 conflicting parties over trail issues. The Florida Greenways and
 581 Trails Council may advise the department on all matters relating
 582 to the paddling trail. By January 1, 2008, the department shall
 583 prepare, and provide to the Governor, the President of the
 584 Senate, and the Speaker of the House of Representatives, a
 585 report setting forth the names and locations adopted for each
 586 trail segment.

587 (3) The Florida Circumnavigation Saltwater Paddling Trail
 588 shall be composed of 26 segments that start at the Florida-
 589 Alabama border on the west and end at the Florida-Georgia border
 590 on the east. The general geographic locations of the segments
 591 are:

- 592 (a) Segment 1: Pensacola/Fort Pickens.
- 593 (b) Segment 2: Choctawhatchee Bay.
- 594 (c) Segment 3: Panama City Beach/St. Andrews Bay.
- 595 (d) Segment 4: St. Joseph Bay/Apalachicola Bay.
- 596 (e) Segment 5: Alligator Harbor/Ochlockonee Bay.
- 597 (f) Segment 6: Big Bend Saltwater Paddling Trail.
- 598 (g) Segment 7: Crystal Bay/St. Martin's.
- 599 (h) Segment 8: Pinellas.
- 600 (i) Segment 9: Tampa Bay/Longboat Key.
- 601 (j) Segment 10: Sarasota/Venice.
- 602 (k) Segment 11: Charlotte Harbor.
- 603 (l) Segment 12: Sanibel/Estero Bay.
- 604 (m) Segment 13: Rookery Bay/Ten Thousand Islands.
- 605 (n) Segment 14: Everglades National Park.
- 606 (o) Segment 15: Florida Keys.

- 607 (p) Segment 16: Biscayne Bay.
- 608 (q) Segment 17: Hollywood/Ft. Lauderdale.
- 609 (r) Segment 18: Pompano Beach/Lake Worth.
- 610 (s) Segment 19: Palm Beach/Loxahatchee.
- 611 (t) Segment 20: Hobe Sound/Ft. Pierce.
- 612 (u) Segment 21: Vero Beach/Indian River Saltwater.
- 613 (v) Segment 22: Merritt Island/Mosquito Lagoon.
- 614 (w) Segment 23: Tomoka/Flagler.
- 615 (x) Segment 24: Anastasia/Guana River.
- 616 (y) Segment 25: Jacksonville/St. Johns River.
- 617 (z) Segment 26: Nassau/Fort Clinch.
- 618 Section 12. Section 335.067, Florida Statutes, is created
- 619 to read:
- 620 335.067 Conserve by Bicycle Program.--There is created
- 621 within the Department of Transportation the Conserve by Bicycle
- 622 Program.
- 623 (1) The purposes of the Conserve by Bicycle Program are
- 624 to:
- 625 (a) Save energy by increasing the number of miles ridden
- 626 on bicycles, thereby reducing the usage of petroleum-based
- 627 fuels.
- 628 (b) Increase efficiency of cycling as a transportation
- 629 mode by improving interconnectivity.
- 630 (c) Reduce traffic congestion on existing roads.
- 631 (d) Provide recreational opportunities for Florida
- 632 residents and visitors.
- 633 (e) Provide healthy alternatives to help reduce the trend
- 634 toward obesity and reduce long-term health costs.

635 (f) Provide safe ways for children to travel from their
 636 homes to their schools by supporting the Safe Paths to Schools
 637 Program.

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

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

645 (b) Where the use of education and marketing programs can
 646 convert motor vehicle trips into bicycle trips.

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

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

655 (e) How partnerships can be created among interested
 656 parties in the fields of transportation, law enforcement,
 657 education, public health, environmental restoration and
 658 conservation, and energy conservation to achieve a better
 659 possibility of success for the program.

660 (3) The study shall produce measurable criteria that can
 661 be used by the department to determine where and under what
 662 circumstances the construction of bicycling facilities will

663 reduce energy consumption and the need for and cost of roadway
 664 capacity, as well as realizing the associated health benefits.

665 (4) The department shall conduct the study with the
 666 assistance of the State Pedestrian/Bicycle Coordinator,
 667 metropolitan planning organizations, the Office of Greenways and
 668 Trails of the Department of Environmental Protection, and the
 669 Department of Health.

670 (5) By July 1, 2006, if sufficient funds are available in
 671 the department's budget or from the Federal Government, the
 672 study shall be completed and shall be submitted to the Governor,
 673 the President of the Senate, the Speaker of the House of
 674 Representatives, the Secretary of Transportation, the Secretary
 675 of Environmental Protection, and the Secretary of Health.

676 Section 13. Paragraph (k) of subsection (4) of section
 677 373.199, Florida Statutes, is amended to read:

678 373.199 Florida Forever Water Management District Work
 679 Plan.--

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

682 (k) An identification of the proposed public access for
 683 projects with land acquisition components, including the Florida
 684 National Scenic Trail.

685 Section 14. Subsection (6) of section 378.036, Florida
 686 Statutes, is amended to read:

687 378.036 Land acquisitions financed by Nonmandatory Land
 688 Reclamation Trust Fund moneys.--

689 (6)(a) ~~By January 1, 2004, or within 6 months following~~
 690 ~~the date funds become available from the Legislature, whichever~~

691 ~~is later,~~ The Florida Wildlife Federation, Audubon Florida, and
 692 Rails-to-Trails Conservancy in partnership with the Florida
 693 Phosphate Council are authorized to form a nonprofit
 694 corporation, Florida Mining-Recreation, Inc., pursuant to
 695 chapter 617 for the purpose of implementing this section by
 696 creating plans and assisting in the development of public
 697 recreational opportunities on lands mined for phosphate in the
 698 state. The term "lands mined for phosphate" includes those lands
 699 adjacent to and connecting mined lands within a county or across
 700 adjacent county boundaries. The first plans must concentrate on
 701 recreational activities in Hardee and Hamilton Counties which
 702 will assist them in rural economic development.

703 (b) The board of directors of the corporation shall be
 704 composed of three members, one designated by the Florida
 705 Phosphate Council, one as the designee of the Florida Wildlife
 706 Federation, Audubon Florida, and Rails-to-Trails Conservancy,
 707 and the third chosen by the other two designees. Should the
 708 designee from the Florida Phosphate Council resign, or be unable
 709 to serve for any reason, the corporations that actively mine
 710 phosphate in the state shall designate a replacement by
 711 unanimous agreement.

712 (c) The business of the corporation shall be conducted by
 713 the board of directors or a chief executive officer as the board
 714 shall see fit in accordance with the provisions of its articles
 715 of incorporation and applicable law. The activities of the
 716 corporation shall be coordinated with all landowners who have
 717 voluntarily agreed to participate in the process as well as any
 718 local government where such lands are recorded.

719 (d) The corporation shall comply with the provisions of
 720 s. 215.97 relating to audits and submit a report of its
 721 activities to the department on an annual or more frequent basis
 722 as requested by the Secretary of Environmental Protection. At
 723 the request of the secretary, the corporation will conduct, or
 724 permit the department to conduct, an audit of all public funds
 725 it has spent during a period of time specified by the
 726 department. ~~An annual report of the activities of the~~
 727 ~~corporation, including a certified audit, shall be presented to~~
 728 ~~the Secretary of Environmental Protection or his or her designee~~
 729 ~~by October 31 of each year following incorporation.~~

730 (e) The corporation shall dissolve on January 1, 2009,
 731 unless dissolved previously by action of its board of directors
 732 or extended by the Legislature. Upon dissolution, any moneys
 733 remaining in the accounts of the corporation that are
 734 unobligated shall be returned to the funds from which they were
 735 appropriated in proportion to the amount contributed. All
 736 tangible assets of the corporation at dissolution which were
 737 acquired using state funding shall become the property of the
 738 Department of Environmental Protection.

739 Section 15. Subsection (4) of section 380.507, Florida
 740 Statutes, is amended to read:

741 380.507 Powers of the trust.--The trust shall have all the
 742 powers necessary or convenient to carry out the purposes and
 743 provisions of this part, including:

744 (4) To acquire and dispose of real and personal property
 745 or any interest therein when necessary or appropriate to protect
 746 the natural environment, provide public access or public

747 recreational facilities, including the Florida National Scenic
 748 Trail, preserve wildlife habitat areas, provide access for
 749 managing acquired lands, or otherwise carry out the purposes of
 750 this part. If the trust acquires land for permanent state
 751 ownership, title to such land shall be vested in the Board of
 752 Trustees of the Internal Improvement Trust Fund; otherwise,
 753 title to property acquired in partnership with a county or
 754 municipality shall vest in the name of the local government.
 755 Notwithstanding any other provision of law, the trust may enter
 756 into an option agreement to purchase lands included in projects
 757 approved according to this part, when necessary to reserve lands
 758 during the preparation of project plans and during acquisition
 759 proceedings. The consideration for an option shall not exceed
 760 \$100,000.

761 Section 16. Subsection (1) of section 110.501, Florida
 762 Statutes, is amended to read:

763 110.501 Definitions.--As used in this act:

764 (1) "Volunteer" means any person who, of his or her own
 765 free will, provides goods or services, or conveys an interest in
 766 or otherwise consents to the use of real property pursuant to
 767 chapter 260 ss. 260.011-260.018, to any state department or
 768 agency, or nonprofit organization, with no monetary or material
 769 compensation. A person registered and serving in Older American
 770 Volunteer Programs authorized by the Domestic Volunteer Service
 771 Act of 1973, as amended (Pub. L. No. 93-113), shall also be
 772 defined as a volunteer and shall incur no civil liability as
 773 provided by s. 768.1355. A volunteer shall be eligible for

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774 | payment of volunteer benefits as specified in Pub. L. No. 93-
775 | 113, this section, and s. 430.204.

776 | Section 17. This act shall take effect upon becoming a
777 | law.