

CHAMBER ACTION

1 The State Resources Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to greenways and trails; renaming ch. 260,  
7 F.S., as the "Florida Greenways and Trails Act"; amending  
8 s. 260.011, F.S.; providing a popular name; amending s.  
9 260.012, F.S.; revising legislative intent with respect to  
10 the development and completion of the Florida National  
11 Scenic Trail; conforming cross references; amending s.  
12 260.013, F.S.; revising and providing definitions;  
13 amending s. 260.0141, F.S.; removing provisions  
14 authorizing certain acquisitions; amending s. 260.0142,  
15 F.S.; revising the powers and duties of the Florida  
16 Greenways and Trails Council; extending the terms of  
17 certain appointees; providing for reappointment of  
18 appointees; revising 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 the appraisal of certain property by the  
22 Department of Environmental Protection; conforming cross  
23 references; amending s. 260.016, F.S.; revising the

24 | general powers of the department; revising provisions  
 25 | relating to rules for public access to greenways and  
 26 | trails; conforming cross references; creating s. 260.019,  
 27 | F.S.; establishing the Florida Circumnavigation Saltwater  
 28 | Paddling Trail; providing for review, adjustment, and  
 29 | redesignation of the trail segments by the department;  
 30 | requiring the department to prepare and submit a report to  
 31 | the Governor and Legislature by a specified date pursuant  
 32 | to such review; creating s. 260.021, F.S.; providing for a  
 33 | partnership between various organizations and mining  
 34 | interests to develop recreational opportunities on mined  
 35 | lands; creating s. 335.067, F.S.; creating the Conserve by  
 36 | Bicycle Program within the Department of Transportation,  
 37 | providing purposes of the program, and requiring such  
 38 | department to conduct a Conserve by Bicycle study;  
 39 | amending s. 373.199, F.S.; requiring water management  
 40 | districts to include information about the Florida  
 41 | National Scenic Trail in the Florida Forever Water  
 42 | Management District Work Plan; amending s. 378.036, F.S.;  
 43 | removing provisions relating to recreational opportunities  
 44 | on mined lands; amending s. 380.507, F.S.; revising the  
 45 | powers of the Florida Communities Trust with respect to  
 46 | the Florida National Scenic Trail; amending s. 110.501,  
 47 | F.S.; conforming a cross reference; providing an effective  
 48 | date.

49 |  
 50 | Be It Enacted by the Legislature of the State of Florida:  
 51 |

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

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

57           260.011 Popular name ~~Short title.--This chapter Sections~~  
58 ~~260.011-260.018 shall be known and~~ may be cited as the "Florida  
59 Greenways and Trails Act."

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

62           260.012 Declaration of policy and legislative intent.--

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

80 | archaeological interpretation, thereby improving the health and  
81 | welfare of the people.

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

103 |       (5) The planning, development, operation, and maintenance  
104 | of the Florida Greenways and Trails System authorized by this  
105 | chapter ~~ss. 260.011-260.018~~ is declared to be a public purpose,  
106 | and the Department of Environmental Protection, together with  
107 | other agencies of this state and all counties, municipalities,

HB 1141 CS

2005  
CS

108 and special districts of this state, is authorized to spend  
 109 public funds for such purposes and to accept gifts and grants of  
 110 funds, property, or property rights from public or private  
 111 sources to be used for such purposes.

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

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

134 (b) Officially recognize the route of the trail for  
 135 establishment and acquisition purposes as determined by the

136 U.S.D.A. Forest Service, assisted by the Florida Trail  
 137 Association, in the publication entitled "Preferred Routing for  
 138 the Florida National Scenic Trail."

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

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

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

150 (f) Encourage state and local agencies with economic and  
 151 ecotourism development responsibilities to recognize the  
 152 importance of the trail in bringing nature-based tourism to  
 153 local communities along the trail route and to support  
 154 acquisition and development activities for completion of the  
 155 trail in a permanent location.

156 Section 4. Section 260.013, Florida Statutes, is amended  
 157 to read:

158 260.013 Definitions.--As used in this chapter ~~ss. 260.011-~~  
 159 ~~260.018~~, unless the context otherwise requires:

160 (1) "Board" means the Board of Trustees of the Internal  
 161 Improvement Trust Fund.

162 (2) "Department" means the Department of Environmental  
 163 Protection.

164 (3) "Designation" means the identification and inclusion  
 165 of specific lands and waterways as part of the statewide system  
 166 of greenways and trails pursuant to a formal public process,  
 167 including the specific written consent of the landowner. When  
 168 the department determines that public access is appropriate for  
 169 greenways and trails, written authorization must be granted by  
 170 the landowner to the department permitting public access to all  
 171 or a specified part of the landowner's property. The  
 172 department's determination shall be noticed pursuant to s.  
 173 120.525, and the department shall also notify the landowner by  
 174 certified mail at least 7 days before any public meeting  
 175 regarding the intent to designate.

176 (4) "Greenway" means a linear open space established along  
 177 either a natural corridor, such as a riverfront, stream valley,  
 178 or ridgeline, or over land along a railroad right-of-way  
 179 converted to recreational use, a canal, a scenic road, or other  
 180 route; any natural or landscaped course for pedestrian or  
 181 bicycle passage; an open space connector linking parks, nature  
 182 reserves, cultural features, or historic sites with each other  
 183 and populated areas; or a local strip or linear park designated  
 184 as a parkway or greenbelt.

185 (5) "Office" means the Office of Greenways and Trails  
 186 within the Department of Environmental Protection.

187 (6)~~(5)~~ "Trails" means linear corridors and any adjacent  
 188 support parcels on land or water providing public access for  
 189 recreation or authorized alternative modes of transportation.

190 Section 5. Section 260.0141, Florida Statutes, is amended  
 191 to read:

HB 1141 CS

2005  
CS

192           260.0141 Greenways and Trails Program.--There is  
193 established within the department the "Florida Greenways and  
194 Trails Program," the purpose of which is to facilitate the  
195 establishment of a statewide system of greenways and trails.  
196 ~~Such greenways and trails shall be acquired pursuant to this~~  
197 ~~act.~~ Planning materials, maps, data, and other information  
198 developed or used in the program shall not be construed as  
199 designation of lands as part of the statewide system of  
200 greenways and trails. Identification of lands in such  
201 information shall not:

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

205           (2) Be construed or cited as authority to adopt, enforce,  
206 or amend any environmental rule or regulation; comprehensive  
207 plan goals, policies, or objectives; or zoning or land-use  
208 ordinance;

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

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

216           Section 6. Section 260.0142, Florida Statutes, is amended  
217 to read:

218           260.0142 Florida Greenways and Trails Council;  
219 composition; powers and duties.--



HB 1141 CS

2005  
CS

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

225 (a) Five members appointed by the Governor, with two  
 226 members representing the trail user community, two members  
 227 representing the greenway user community, and one member  
 228 representing private landowners. ~~Of the initial appointments,~~  
 229 ~~two shall be appointed for 2-year terms and three shall be~~  
 230 ~~appointed for 1-year terms. Subsequent appointments shall be for~~  
 231 ~~2-year terms.~~

232 (b) Three members appointed by the President of the  
 233 Senate, with one member representing the trail user community  
 234 and two members representing the greenway user community. ~~Of the~~  
 235 ~~initial appointments, two shall be appointed for 2-year terms~~  
 236 ~~and one shall be appointed for a 1-year term. Subsequent~~  
 237 ~~appointments shall be for 2-year terms.~~

238 (c) Three members appointed by the Speaker of the House of  
 239 Representatives, with two members representing the trail user  
 240 community and one member representing the greenway user  
 241 community. ~~Of the initial appointments, two shall be appointed~~  
 242 ~~for 2-year terms and one shall be appointed for a 1-year term.~~  
 243 ~~Subsequent appointments shall be for 2-year terms.~~

244  
 245 Those eligible to represent the trail user community shall be  
 246 chosen from, but not be limited to, paved trail users, hikers,  
 247 off-road bicyclists, users of off-highway vehicles, paddlers,

HB 1141 CS

2005  
CS

248 equestrians, disabled outdoor recreational users, and commercial  
 249 recreational interests. Those eligible to represent the greenway  
 250 user community shall be chosen from, but not be limited to,  
 251 conservation organizations, nature study organizations, and  
 252 scientists and university experts.

253 (d) The 10 remaining members shall include:

- 254 1. The Secretary of Environmental Protection or a  
 255 designee.+
- 256 2. The executive director of the Fish and Wildlife  
 257 Conservation Commission or a designee.+
- 258 3. The Secretary of Community Affairs or a designee.+
- 259 4. The Secretary of Transportation or a designee.+
- 260 5. The Director of the Division of Forestry of the  
 261 Department of Agriculture and Consumer Services or a designee.+
- 262 6. The director of the Division of Historical Resources of  
 263 the Department of State or a designee.+
- 264 7. A representative of the water management districts ~~who~~  
 265 ~~shall serve for 1 year~~. Membership on the council shall rotate  
 266 among the five districts. The districts shall determine the  
 267 order of rotation.+
- 268 8. A representative of a federal land management agency.  
 269 The Secretary of Environmental Protection shall identify the  
 270 appropriate federal agency and request designation of a  
 271 representative from the agency to serve on the council.+
- 272 9. A representative of the regional planning councils to  
 273 be appointed by the Secretary of Environmental Protection, in  
 274 consultation with the Secretary of Community Affairs. Membership  
 275 on the council shall rotate among the seven regional planning

276 councils. The regional planning councils shall determine the  
 277 order of rotation., ~~for a single 2-year term. The representative~~  
 278 ~~shall not be selected from the same regional planning council~~  
 279 ~~for successive terms; and~~

280 10. A representative of local governments to be appointed  
 281 by the Secretary of Environmental Protection, ~~in consultation~~  
 282 ~~with the Secretary of Community Affairs, for a single 2-year~~  
 283 ~~term.~~ Membership shall alternate between a county representative  
 284 and a municipal representative.

285 (2) The department shall provide necessary staff  
 286 assistance to the council.

287 (3) The term of all appointees shall be for 2 years unless  
 288 otherwise specified. The appointees of the Governor, the  
 289 President of the Senate, and the Speaker of the House of  
 290 Representatives may be reappointed for no more than four  
 291 consecutive terms. The representatives of the water management  
 292 districts, regional planning councils, and local governments may  
 293 be reappointed for no more than two consecutive terms. All other  
 294 appointees shall serve until replaced. ~~The council is authorized~~  
 295 ~~to contract for and to accept gifts, grants, or other aid from~~  
 296 ~~the United States Government or any person or corporation.~~

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

299 ~~(a) Advise the Department of Environmental Protection, the~~  
 300 ~~Department of Community Affairs, the Department of~~  
 301 ~~Transportation, the Fish and Wildlife Conservation Commission,~~  
 302 ~~the Division of Forestry of the Department of Agriculture and~~  
 303 ~~Consumer Services, the water management districts, and the~~

304 ~~regional planning councils on policies relating to the Florida~~  
 305 ~~Greenways and Trails System, and promote intergovernmental~~  
 306 ~~cooperation;~~

307 (a)~~(b)~~ Facilitate a statewide system of interconnected  
 308 landscape linkages, conservation corridors, greenbelts,  
 309 recreational corridors and trails, scenic corridors, utilitarian  
 310 corridors, reserves, regional parks and preserves, ecological  
 311 sites, and cultural/historic/recreational sites using;

312 ~~(c)~~ Facilitate a statewide system of intereconnected land-  
 313 based trails that connect urban, suburban, and rural areas of  
 314 the state and facilitate expansion of the statewide system of  
 315 freshwater and saltwater paddling trails.

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

318 (c)~~(e)~~ Review recommendations of the office applications  
 319 for acquisition funding under the Florida Greenways and Trails  
 320 Program and recommend to the Secretary of Environmental  
 321 Protection which projects should be acquired.

322 ~~(f)~~ Provide funding recommendations to agencies and  
 323 organizations regarding the acquisition, development, and  
 324 management of greenways and trails, including the promotion of  
 325 private landowner incentives;

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

328 ~~(h)~~ Provide advocacy and education to benefit the  
 329 statewide system of greenways and trails by encouraging  
 330 communication and conferencing;

HB 1141 CS

2005  
CS

331        (e)~~(i)~~ Encourage public-private partnerships to develop  
332 and manage greenways and trails.;

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

335        (g)~~(k)~~ Make recommendations for updating and revising the  
336 implementation plan for the Florida Greenways and Trails  
337 System.;

338        ~~(l) Advise the Land Acquisition and Management Advisory  
339 Council or its successor to ensure the incorporation of  
340 greenways and trails in land management plans on lands managed  
341 by the Department of Environmental Protection, the Fish and  
342 Wildlife Conservation Commission, the Division of Historical  
343 Resources of the Department of State, and the Division of  
344 Forestry of the Department of Agriculture and Consumer Services;~~

345        ~~(m) Provide advice and assistance to the Department of  
346 Transportation and the water management districts regarding the  
347 incorporation of greenways and trails into their planning  
348 efforts;~~

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

352        (h)~~(o)~~ Promote greenways and trails support  
353 organizations.;

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

357        (5) The council shall establish procedures for conducting  
358 its affairs in execution of the duties and responsibilities

HB 1141 CS

2005  
CS

359 | stated in this section, which operating procedures shall include  
 360 | determination of a council chair and other appropriate  
 361 | operational guidelines. The council shall meet at the call of  
 362 | the chair, or at such times as may be prescribed by its  
 363 | operating procedures. The council may establish committees to  
 364 | conduct the work of the council and the committees may include  
 365 | nonmembers as appropriate.

366 |         (6) A vacancy on the council shall be filled for the  
 367 | remainder of the unexpired term in the same manner as the  
 368 | original appointment. Members whose terms have expired may  
 369 | continue to serve until replaced or reappointed. ~~No member shall~~  
 370 | ~~serve on the council for more than two consecutive terms.~~

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

375 |         Section 7. Subsections (1) and (3) of section 260.015,  
 376 | Florida Statutes, are amended to read:

377 |             260.015 Acquisition of land.--

378 |         (1) The department is authorized to acquire by gift or  
 379 | purchase the fee simple absolute title or any lesser interest in  
 380 | land, including easements, for the purposes of this chapter ~~ss.~~  
 381 | ~~260.011-260.018~~ pursuant to the provisions of chapter 375,  
 382 | except that:

383 |             (a) The department's power of eminent domain shall be  
 384 | limited to curing defects in title accepted by the board  
 385 | pursuant to subsection (2).

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

389 (c) Projects acquired under this chapter shall not be  
390 subject to the evaluation and selection procedures of s.  
391 259.035, regardless of the estimated value of such projects. All  
392 projects shall be acquired in accordance with the acquisition  
393 procedures of chapter 259, except that the department may use  
394 the appraisal procedure used by the Department of Transportation  
395 to acquire transportation rights-of-way. ~~When a parcel is~~  
396 ~~estimated to be valued at \$100,000 or less and the department~~  
397 ~~finds that the costs of obtaining an outside appraisal are not~~  
398 ~~justified, an appraisal prepared by the department may be used.~~

399 (3) Easements, licenses, and use agreements upon, over,  
400 under, across, or along any land, the fee title of which has  
401 been acquired for the purposes of this chapter ~~ss. 260.011-~~  
402 ~~260.018~~, may be granted by the department so long as the use of  
403 the easement, license, or use agreement does not interfere with  
404 the purposes of this chapter ~~ss. 260.011-260.018~~.

405 Section 8. Subsection (1) and paragraph (a) of subsection  
406 (2) of section 260.016, Florida Statutes, are amended to read:

407 260.016 General powers of the department.--

408 (1) The department may:

409 (a) Publish and distribute appropriate maps of designated  
410 greenways and trails. ~~The description shall include a~~  
411 ~~generalized map delineating the area designated, location of~~  
412 ~~suitable ingress and egress sites, as well as other points of~~

413 ~~interest to enhance the recreational opportunities of the~~  
414 ~~public.~~

415 ~~(b) Establish access routes and related public-use~~  
416 ~~facilities along greenways and trails which will not~~  
417 ~~substantially interfere with the nature and purposes of the~~  
418 ~~greenway or trail.~~

419 (b)(e) Adopt appropriate rules to implement or interpret  
420 this chapter ~~aet~~ and portions of chapter 253 relating to  
421 greenways and trails, which may include, but are not limited to,  
422 rules for the following:

- 423 1. Establishing a designation process.
- 424 2. Negotiating and executing agreements with private  
425 landowners.
- 426 3. Establishing prohibited activities or restrictions on  
427 activities to protect the health, safety, and welfare of the  
428 public.
- 429 4. Charging fees for use.
- 430 5. Providing public access to the greatest extent possible  
431 while avoiding unnecessary impact upon sensitive environments  
432 such as wetlands or animal habitats, wherever encountered.
- 433 6. Providing for maintenance.
- 434 7. Any matter necessary to the evaluation, selection,  
435 operation, and maintenance of greenways and trails.

436  
437 Any person who violates or otherwise fails to comply with the  
438 rules adopted pursuant to subparagraph 3. commits a noncriminal  
439 infraction for which a fine of up to \$500 may be imposed.



HB 1141 CS

2005  
CS

440        (c)~~(d)~~ Coordinate the activities of all governmental units  
 441 and bodies and special districts that desire to participate in  
 442 the development and implementation of the Florida Greenways and  
 443 Trails System.

444        (d)~~(e)~~ Establish, develop, and publicize greenways and  
 445 trails in a manner that will permit public recreation when  
 446 appropriate without damaging natural resources and avoiding  
 447 unnecessary impact upon sensitive environments such as wetlands  
 448 or animal habitats, wherever encountered. The Big Bend Historic  
 449 Saltwater Paddling Trail from the St. Marks River to Yankeetown  
 450 is hereby designated as part of the Florida Greenways and Trails  
 451 System. Additions to this trail may be added by the Legislature  
 452 or the department from time to time as part of the Florida a  
 453 ~~statewide saltwater~~ Circumnavigation Saltwater Paddling Trail  
 454 created in s. 260.19.

455        (e)~~(f)~~ Enter into agreements with any federal, state, or  
 456 local governmental agency, or any other entity for the  
 457 management of greenways and trails for recreation and  
 458 conservation purposes consistent with the intent of this  
 459 chapter. Such entities must demonstrate their capabilities of  
 460 management for the purposes defined in this chapter ~~ss. 260.011-~~  
 461 ~~260.018~~.

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

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

HB 1141 CS

2005  
CS

468 | trails, and the department is authorized to disburse funds as  
 469 | pass-through grants to federal, state, or local government  
 470 | agencies, recognized tribal units, or to nonprofit entities  
 471 | created for this purpose. The department has authority to adopt  
 472 | rules pursuant to ss. 120.536(1) and 120.54 to implement the  
 473 | provisions of this subsection. Such rules shall provide, but are  
 474 | not limited to, the following: procedures for grant  
 475 | administration and accountability; eligibility, selection  
 476 | criteria; maximum grant amounts and number of pending grants;  
 477 | dedication requirements; and conversion procedures and  
 478 | requirements.

479 |         (2) The department shall:

480 |             (a) Evaluate lands for the acquisition of greenways and  
 481 | trails and compile a list of suitable corridors, greenways, and  
 482 | trails, ranking them in order of priority for proposed  
 483 | acquisition. The department shall devise a method of evaluation  
 484 | which includes, but is not limited to, the consideration of the  
 485 | importance and function of such corridors within the statewide  
 486 | system as reflected on the opportunity maps and landowners'  
 487 | willingness to negotiate.

488 |         Section 9. Section 260.019, Florida Statutes, is created  
 489 | to read:

490 |         260.019 Florida Circumnavigation Saltwater Paddling  
 491 | Trail.--

492 |             (1) The Florida Circumnavigation Saltwater Paddling Trail  
 493 | is hereby created as part of the Florida Greenways and Trails  
 494 | Program.

495       (2) The department shall establish the initial starting  
 496 and ending points by latitude and longitude for the trail  
 497 segments described in subsection (3) within 180 days after the  
 498 effective date of this act. Except for the Big Bend Historic  
 499 Saltwater Paddling Trail, segment 6, the department has the  
 500 exclusive authority to officially name and locate the remaining  
 501 25 trail segments. The department shall name and locate the  
 502 segments based on logical geographical boundaries, safety to  
 503 trail users, ease of management, desires of local communities  
 504 and user groups, and other factors that assist in the overall  
 505 success of the trail system. The department may adjust the  
 506 location of any trail segment; give official recognition to  
 507 specific sites along the trail route; publish official trail  
 508 guides and literature in cooperation with other governmental and  
 509 private entities; and resolve conflicts that may arise between  
 510 competing and conflicting parties over trail issues. The Florida  
 511 Greenways and Trails Council may advise the department on all  
 512 matters relating to the paddling trail. By January 1, 2008, the  
 513 department shall prepare and submit a report setting forth the  
 514 names and locations adopted for each trail segment to the  
 515 Governor, the President of the Senate, and the Speaker of the  
 516 House of Representatives.

517       (3) The Florida Circumnavigation Saltwater Paddling Trail  
 518 shall be composed of 26 segments that start at the Florida-  
 519 Alabama border on the west and end at the Florida-Georgia border  
 520 on the east. The general geographic locations of the segments  
 521 are:

522       (a) Segment 1: Pensacola/Fort Pickens.

- 523 |       (b) Segment 2: Choctawhatchee Bay.
- 524 |       (c) Segment 3: Panama City Beach/St. Andrews Bay.
- 525 |       (d) Segment 4: St. Joseph Bay/Apalachicola Bay.
- 526 |       (e) Segment 5: Alligator Harbor/Ochlockonee Bay.
- 527 |       (f) Segment 6: Big Bend Historic Saltwater Paddling Trail.
- 528 |       (g) Segment 7: Crystal Bay/St. Martin's.
- 529 |       (h) Segment 8: Pinellas.
- 530 |       (i) Segment 9: Tampa Bay/Longboat Key.
- 531 |       (j) Segment 10: Sarasota/Venice.
- 532 |       (k) Segment 11: Charlotte Harbor.
- 533 |       (l) Segment 12: Sanibel/Estero Bay.
- 534 |       (m) Segment 13: Rookery Bay/Ten Thousand Islands.
- 535 |       (n) Segment 14: Everglades National Park.
- 536 |       (o) Segment 15: Florida Keys.
- 537 |       (p) Segment 16: Biscayne Bay.
- 538 |       (q) Segment 17: Hollywood/Ft. Lauderdale.
- 539 |       (r) Segment 18: Pompano Beach/Lake Worth.
- 540 |       (s) Segment 19: Palm Beach/Loxahatchee.
- 541 |       (t) Segment 20: Hobe Sound/Ft. Pierce.
- 542 |       (u) Segment 21: Vero Beach/Indian River Saltwater.
- 543 |       (v) Segment 22: Merritt Island/Mosquito Lagoon.
- 544 |       (w) Segment 23: Tomoka/Flagler.
- 545 |       (x) Segment 24: Anastasia/Guana River.
- 546 |       (y) Segment 25: Jacksonville/St. Johns River.
- 547 |       (z) Segment 26: Nassau/Fort Clinch.

548 |       Section 10. Section 260.021, Florida Statutes, is created  
 549 | to read:

HB 1141 CS

2005  
CS

550       260.021 Recreational opportunities on mined lands.--The  
 551 Florida Wildlife Federation, Audubon Florida, and Rails-to-  
 552 Trails Conservancy, in partnership with the phosphate industry  
 553 and other mining companies, are encouraged to continue the  
 554 operation of the nonprofit corporation, Florida Mining-  
 555 Recreation, Inc., for the purpose of working with industry,  
 556 government, and private landowners to create plans and assist in  
 557 the development of recreational opportunities on mined lands in  
 558 the state. These opportunities should include walking, hiking,  
 559 use of off-highway vehicles, canoeing, bicycling, equestrian  
 560 activities, wildlife viewing, and other trail areas along with  
 561 developing fishing and hunting lands. The board of directors of  
 562 the corporation is encouraged to be composed of a member, or  
 563 members, from the companies mining in the state; a member, or  
 564 members, chosen by the Florida Wildlife Federation, Audubon  
 565 Florida, and Rails-to-Trails Conservancy; and other members  
 566 chosen by agreement of the partners.

567       Section 11. Section 335.067, Florida Statutes, is created  
 568 to read:

569       335.067 Conserve by Bicycle Program.--There is created  
 570 within the Department of Transportation the Conserve by Bicycle  
 571 Program.

572       (1) The purposes of the Conserve by Bicycle Program are  
 573 to:

574       (a) Save energy by increasing the number of miles ridden  
 575 on bicycles, thereby reducing the usage of petroleum-based  
 576 fuels.

577        (b) Increase efficiency of cycling as a transportation  
578 mode by improving interconnectivity.

579        (c) Reduce traffic congestion on existing roads.

580        (d) Provide recreational opportunities for Florida  
581 residents and visitors.

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

584        (f) Provide safe ways for children to travel from their  
585 homes to their schools by supporting the Safe Paths to Schools  
586 Program.

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

590        (a) Where energy savings can be realized when more and  
591 safer bicycle facilities, such as bicycle paths, bicycle lanes,  
592 and other safe locations for bicycle use, are created that  
593 reduce the use of motor vehicles in the area.

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

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

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

HB 1141 CS

2005  
CS

604       (e) How partnerships can be created among interested  
 605 parties in the fields of transportation, law enforcement,  
 606 education, public health, environmental restoration and  
 607 conservation, and energy conservation to achieve a better  
 608 possibility of success for the program.

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

614       (4) The department shall conduct the study with the  
 615 assistance of the State Pedestrian/Bicycle Coordinator,  
 616 metropolitan planning organizations, the Office of Greenways and  
 617 Trails within the Department of Environmental Protection, and  
 618 the Department of Health.

619       (5) By July 1, 2007, if sufficient funds are available in  
 620 the department's budget or from the Federal Government, the  
 621 study shall be completed and shall be submitted to the Governor,  
 622 the President of the Senate, the Speaker of the House of  
 623 Representatives, the Secretary of Transportation, the Secretary  
 624 of Environmental Protection, and the Secretary of Health.

625       Section 12. Paragraph (k) of subsection (4) of section  
 626 373.199, Florida Statutes, is amended to read:

627       373.199 Florida Forever Water Management District Work  
 628 Plan.--

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

HB 1141 CS

2005  
CS

631 (k) An identification of the proposed public access for  
 632 projects with land acquisition components, including the Florida  
 633 National Scenic Trail.

634 Section 13. Subsection (6) of section 378.036, Florida  
 635 Statutes, is amended to read:

636 378.036 Land acquisitions financed by Nonmandatory Land  
 637 Reclamation Trust Fund moneys.--

638 ~~(6)(a) By January 1, 2004, or within 6 months following~~  
 639 ~~the date funds become available from the Legislature, whichever~~  
 640 ~~is later, the Florida Wildlife Federation, Audubon Florida, and~~  
 641 ~~Rails to Trails Conservancy in partnership with the Florida~~  
 642 ~~Phosphate Council are authorized to form a nonprofit corporation~~  
 643 ~~pursuant to chapter 617 for the purpose of implementing this~~  
 644 ~~section by creating plans and assisting in the development of~~  
 645 ~~recreational opportunities on lands mined for phosphate in the~~  
 646 ~~state. The first plans must concentrate on recreational~~  
 647 ~~activities in Hardee and Hamilton Counties which will assist~~  
 648 ~~them in rural economic development.~~

649 ~~(b) The board of directors of the corporation shall be~~  
 650 ~~composed of three members, one designated by the Florida~~  
 651 ~~Phosphate Council, one as the designee of the Florida Wildlife~~  
 652 ~~Federation, Audubon Florida, and Rails to Trails Conservancy,~~  
 653 ~~and the third chosen by the other two designees.~~

654 ~~(c) The business of the corporation shall be conducted by~~  
 655 ~~the board of directors or a chief executive officer as the board~~  
 656 ~~shall see fit in accordance with the provisions of its articles~~  
 657 ~~of incorporation and applicable law. The activities of the~~  
 658 ~~corporation shall be coordinated with all landowners who have~~



659 ~~voluntarily agreed to participate in the process as well as any~~  
 660 ~~local government where such lands are recorded.~~

661 ~~(d) An annual report of the activities of the corporation,~~  
 662 ~~including a certified audit, shall be presented to the Secretary~~  
 663 ~~of Environmental Protection or his or her designee by October 31~~  
 664 ~~of each year following incorporation.~~

665 ~~(e) The corporation shall dissolve on January 1, 2009,~~  
 666 ~~unless dissolved previously by action of its board of directors~~  
 667 ~~or extended by the Legislature. Upon dissolution, any moneys~~  
 668 ~~remaining in the accounts of the corporation that are~~  
 669 ~~unobligated shall be returned to the funds from which they were~~  
 670 ~~appropriated in proportion to the amount contributed. All~~  
 671 ~~tangible assets of the corporation at dissolution which were~~  
 672 ~~acquired using state funding shall become the property of the~~  
 673 ~~Department of Environmental Protection.~~

674 Section 14. Subsection (4) of section 380.507, Florida  
 675 Statutes, is amended to read:

676 380.507 Powers of the trust.--The trust shall have all the  
 677 powers necessary or convenient to carry out the purposes and  
 678 provisions of this part, including:

679 (4) To acquire and dispose of real and personal property  
 680 or any interest therein when necessary or appropriate to protect  
 681 the natural environment, provide public access or public  
 682 recreational facilities, including the Florida National Scenic  
 683 Trail, preserve wildlife habitat areas, provide access for  
 684 managing acquired lands, or otherwise carry out the purposes of  
 685 this part. If the trust acquires land for permanent state  
 686 ownership, title to such land shall be vested in the Board of

HB 1141 CS

2005  
CS

687 Trustees of the Internal Improvement Trust Fund; otherwise,  
 688 title to property acquired in partnership with a county or  
 689 municipality shall vest in the name of the local government.  
 690 Notwithstanding any other provision of law, the trust may enter  
 691 into an option agreement to purchase lands included in projects  
 692 approved according to this part, when necessary to reserve lands  
 693 during the preparation of project plans and during acquisition  
 694 proceedings. The consideration for an option shall not exceed  
 695 \$100,000.

696 Section 15. Subsection (1) of section 110.501, Florida  
 697 Statutes, is amended to read:

698 110.501 Definitions.--As used in this act:

699 (1) "Volunteer" means any person who, of his or her own  
 700 free will, provides goods or services, or conveys an interest in  
 701 or otherwise consents to the use of real property pursuant to  
 702 chapter 260 ss. 260.011-260.018, to any state department or  
 703 agency, or nonprofit organization, with no monetary or material  
 704 compensation. A person registered and serving in Older American  
 705 Volunteer Programs authorized by the Domestic Volunteer Service  
 706 Act of 1973, as amended (Pub. L. No. 93-113), shall also be  
 707 defined as a volunteer and shall incur no civil liability as  
 708 provided by s. 768.1355. A volunteer shall be eligible for  
 709 payment of volunteer benefits as specified in Pub. L. No. 93-  
 710 113, this section, and s. 430.204.

711 Section 16. This act shall take effect upon becoming a  
 712 law.