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HB 1141, Engrossed 1

2005 Legislature

1 A bill to be entitled
2 An act relating to greenways and trails; renaming ch. 260,
3 F.S., as the "Florida Greenways and Trails Act"; amending
4 s. 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.
8 260.013, F.S.; revising and providing definitions;
9 amending s. 260.0141, F.S.; removing provisions
10 authorizing certain acquisitions; amending s. 260.0142,
11 F.S.; revising the powers and duties of the Florida
12 Greenways and Trails Council; extending the terms of
13 certain appointees; providing for reappointment of
14 appointees; revising eligibility requirements for
15 appointees of the trail user community to include users of
16 off-highway vehicles; amending s. 260.015, F.S.; removing
17 provisions for the appraisal of certain property by the
18 Department of Environmental Protection; conforming cross
19 references; amending s. 260.016, F.S.; revising the
20 general powers of the department; revising provisions
21 relating to rules for public access to greenways and
22 trails; conforming cross references; creating s. 260.019,
23 F.S.; establishing the Florida Circumnavigation Saltwater
24 Paddling Trail; providing for review, adjustment, and
25 redesignation of the trail segments by the department;
26 requiring the department to prepare and submit a report to
27 the Governor and Legislature by a specified date pursuant
28 to such review; creating s. 260.021, F.S.; providing for a

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | partnership between various organizations and mining
 30 | interests to develop recreational opportunities on mined
 31 | lands; creating s. 335.067, F.S.; creating the Conserve by
 32 | Bicycle Program within the Department of Transportation,
 33 | providing purposes of the program, and requiring such
 34 | department to conduct a Conserve by Bicycle study;
 35 | amending s. 373.199, F.S.; requiring water management
 36 | districts to include information about the Florida
 37 | National Scenic Trail in the Florida Forever Water
 38 | Management District Work Plan; amending s. 378.036, F.S.;
 39 | removing provisions relating to recreational opportunities
 40 | on mined lands; amending s. 380.507, F.S.; revising the
 41 | powers of the Florida Communities Trust with respect to
 42 | the Florida National Scenic Trail; amending s. 110.501,
 43 | F.S.; conforming a cross reference; providing an effective
 44 | date.

46 | Be It Enacted by the Legislature of the State of Florida:

48 | Section 1. Chapter 260, Florida Statutes, entitled
 49 | "Recreational Trails System," is renamed the "Florida Greenways
 50 | and Trails Act."

51 | Section 2. Section 260.011, Florida Statutes, is amended
 52 | to read:

53 | 260.011 Popular name ~~Short title.~~ --This chapter Sections
 54 | ~~260.011-260.018 shall be known and~~ may be cited as the "Florida
 55 | Greenways and Trails Act."

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56 Section 3. Subsections (1), (2), (5), and (6) of section
57 260.012, Florida Statutes, are amended to read:

58 260.012 Declaration of policy and legislative intent.--

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

78 (2) It is the intent of the Legislature that a statewide
79 system of greenways and trails be established to provide open
80 space benefiting environmentally sensitive lands and wildlife
81 and providing people with access to healthful outdoor
82 activities. It is also the intent of the Legislature to acquire
83 or designate lands and waterways to facilitate the establishment

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84 | of a statewide system of greenways and trails; to encourage the
 85 | multiple use of public rights-of-way and use to the fullest
 86 | extent existing and future scenic roads, highways, park roads,
 87 | parkways, greenways, trails, and national recreational trails;
 88 | to encourage the development of greenways and trails by
 89 | counties, cities, ~~and~~ special districts, and nongovernmental
 90 | organizations to assist in such development by any means
 91 | available; to coordinate greenway and trail plans and
 92 | development by local governments with one another and with the
 93 | state government and Federal Government; to encourage, whenever
 94 | possible, the development of greenways and trails on federal
 95 | lands by the Federal Government; and to encourage the owners of
 96 | private lands to protect the existing ecological, historical,
 97 | and cultural values of their lands, including those values
 98 | derived from working landscapes.

99 | (5) The planning, development, operation, and maintenance
 100 | of the Florida Greenways and Trails System authorized by this
 101 | chapter ~~ss. 260.011-260.018~~ is declared to be a public purpose,
 102 | and the Department of Environmental Protection, together with
 103 | other agencies of this state and all counties, municipalities,
 104 | and special districts of this state, is authorized to spend
 105 | public funds for such purposes and to accept gifts and grants of
 106 | funds, property, or property rights from public or private
 107 | sources to be used for such purposes.

108 | (6) It is the intent of the Legislature to officially
 109 | recognize the Florida National Scenic Trail as Florida's
 110 | official statewide nonmotorized trail from the Florida Panhandle
 111 | to the Everglades and the Florida Keys, an approximate length of

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

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

130 (b) Officially recognize the route of the trail for
 131 establishment and acquisition purposes as determined by the
 132 U.S.D.A. Forest Service, assisted by the Florida Trail
 133 Association, in the publication entitled "Preferred Routing for
 134 the Florida National Scenic Trail."

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

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

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

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

152 Section 4. Section 260.013, Florida Statutes, is amended
 153 to read:

154 260.013 Definitions.--As used in this chapter ~~ss. 260.011-~~
 155 ~~260.018~~, unless the context otherwise requires:

156 (1) "Board" means the Board of Trustees of the Internal
 157 Improvement Trust Fund.

158 (2) "Department" means the Department of Environmental
 159 Protection.

160 (3) "Designation" means the identification and inclusion
 161 of specific lands and waterways as part of the statewide system
 162 of greenways and trails pursuant to a formal public process,
 163 including the specific written consent of the landowner. When
 164 the department determines that public access is appropriate for
 165 greenways and trails, written authorization must be granted by
 166 the landowner to the department permitting public access to all

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167 or a specified part of the landowner's property. The
168 department's determination shall be noticed pursuant to s.
169 120.525, and the department shall also notify the landowner by
170 certified mail at least 7 days before any public meeting
171 regarding the intent to designate.

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

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

183 (6)-(5) "Trails" means linear corridors and any adjacent
184 support parcels on land or water providing public access for
185 recreation or authorized alternative modes of transportation.

186 Section 5. Section 260.0141, Florida Statutes, is amended
187 to read:

188 260.0141 Greenways and Trails Program.--There is
189 established within the department the "Florida Greenways and
190 Trails Program," the purpose of which is to facilitate the
191 establishment of a statewide system of greenways and trails.
192 ~~Such greenways and trails shall be acquired pursuant to this~~
193 ~~act.~~ Planning materials, maps, data, and other information
194 developed or used in the program shall not be construed as

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195 designation of lands as part of the statewide system of
 196 greenways and trails. Identification of lands in such
 197 information shall not:

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

201 (2) Be construed or cited as authority to adopt, enforce,
 202 or amend any environmental rule or regulation; comprehensive
 203 plan goals, policies, or objectives; or zoning or land-use
 204 ordinance;

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

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

212 Section 6. Section 260.0142, Florida Statutes, is amended
 213 to read:

214 260.0142 Florida Greenways and Trails Council;
 215 composition; powers and duties.--

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

221 (a) Five members appointed by the Governor, with two
 222 members representing the trail user community, two members

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223 representing the greenway user community, and one member
 224 representing private landowners. ~~Of the initial appointments,~~
 225 ~~two shall be appointed for 2-year terms and three shall be~~
 226 ~~appointed for 1-year terms. Subsequent appointments shall be for~~
 227 ~~2-year terms.~~

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

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

240
 241 Those eligible to represent the trail user community shall be
 242 chosen from, but not be limited to, paved trail users, hikers,
 243 off-road bicyclists, users of off-highway vehicles, paddlers,
 244 equestrians, disabled outdoor recreational users, and commercial
 245 recreational interests. Those eligible to represent the greenway
 246 user community shall be chosen from, but not be limited to,
 247 conservation organizations, nature study organizations, and
 248 scientists and university experts.

249 (d) The 10 remaining members shall include:

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- 250 | 1. The Secretary of Environmental Protection or a
 251 | designee.†
- 252 | 2. The executive director of the Fish and Wildlife
 253 | Conservation Commission or a designee.†
- 254 | 3. The Secretary of Community Affairs or a designee.†
- 255 | 4. The Secretary of Transportation or a designee.†
- 256 | 5. The Director of the Division of Forestry of the
 257 | Department of Agriculture and Consumer Services or a designee.†
- 258 | 6. The director of the Division of Historical Resources of
 259 | the Department of State or a designee.†
- 260 | 7. A representative of the water management districts ~~who~~
 261 | ~~shall serve for 1 year~~. Membership on the council shall rotate
 262 | among the five districts. The districts shall determine the
 263 | order of rotation.†
- 264 | 8. A representative of a federal land management agency.
 265 | The Secretary of Environmental Protection shall identify the
 266 | appropriate federal agency and request designation of a
 267 | representative from the agency to serve on the council.†
- 268 | 9. A representative of the regional planning councils to
 269 | be appointed by the Secretary of Environmental Protection, in
 270 | consultation with the Secretary of Community Affairs. Membership
 271 | on the council shall rotate among the seven regional planning
 272 | councils. The regional planning councils shall determine the
 273 | order of rotation. ~~for a single 2 year term. The representative~~
 274 | ~~shall not be selected from the same regional planning council~~
 275 | ~~for successive terms; and~~
- 276 | 10. A representative of local governments to be appointed
 277 | by the Secretary of Environmental Protection, in consultation

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278 with the Secretary of Community Affairs, ~~for a single 2-year~~
 279 ~~term~~. Membership shall alternate between a county representative
 280 and a municipal representative.

281 (2) The department shall provide necessary staff
 282 assistance to the council.

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

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

295 (a) ~~Advise the Department of Environmental Protection, the~~
 296 ~~Department of Community Affairs, the Department of~~
 297 ~~Transportation, the Fish and Wildlife Conservation Commission,~~
 298 ~~the Division of Forestry of the Department of Agriculture and~~
 299 ~~Consumer Services, the water management districts, and the~~
 300 ~~regional planning councils on policies relating to the Florida~~
 301 ~~Greenways and Trails System, and promote intergovernmental~~
 302 ~~cooperation;~~

303 (a) ~~(b)~~ Facilitate a statewide system of interconnected
 304 landscape linkages, conservation corridors, greenbelts,
 305 recreational corridors and trails, scenic corridors, utilitarian

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306 corridors, reserves, regional parks and preserves, ecological
 307 sites, and cultural/historic/recreational sites using†
 308 ~~(c) Facilitate a statewide system of interconnected land-~~
 309 based trails that connect urban, suburban, and rural areas of
 310 the state and facilitate expansion of the statewide system of
 311 freshwater and saltwater paddling trails.†
 312 (b)~~(d)~~ Recommend priorities for critical links in the
 313 Florida Greenways and Trails System.†
 314 (c)~~(e)~~ Review recommendations of the office ~~applications~~
 315 for acquisition funding under the Florida Greenways and Trails
 316 Program and recommend to the Secretary of Environmental
 317 Protection which projects should be acquired.†
 318 ~~(f) Provide funding recommendations to agencies and~~
 319 ~~organizations regarding the acquisition, development, and~~
 320 ~~management of greenways and trails, including the promotion of~~
 321 ~~private landowner incentives;†~~
 322 (d)~~(g)~~ Review designation proposals for inclusion in the
 323 Florida Greenways and Trails System.†
 324 ~~(h) Provide advocacy and education to benefit the~~
 325 ~~statewide system of greenways and trails by encouraging~~
 326 ~~communication and conferencing;†~~
 327 (e)~~(i)~~ Encourage public-private partnerships to develop
 328 and manage greenways and trails.†
 329 (f)~~(j)~~ Review progress toward meeting established
 330 benchmarks and recommend appropriate action.†
 331 (g)~~(k)~~ Make recommendations for updating and revising the
 332 implementation plan for the Florida Greenways and Trails
 333 System.†

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

341 ~~(m) Provide advice and assistance to the Department of~~
 342 ~~Transportation and the water management districts regarding the~~
 343 ~~incorporation of greenways and trails into their planning~~
 344 ~~efforts;~~

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

348 (h)~~(e)~~ Promote greenways and trails support
 349 organizations, and

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

353 (5) The council shall establish procedures for conducting
 354 its affairs in execution of the duties and responsibilities
 355 stated in this section, which operating procedures shall include
 356 determination of a council chair and other appropriate
 357 operational guidelines. The council shall meet at the call of
 358 the chair, or at such times as may be prescribed by its
 359 operating procedures. The council may establish committees to
 360 conduct the work of the council and the committees may include
 361 nonmembers as appropriate.

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

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

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

373 260.015 Acquisition of land.--

374 (1) The department is authorized to acquire by gift or
 375 purchase the fee simple absolute title or any lesser interest in
 376 land, including easements, for the purposes of this chapter ~~ss.~~
 377 ~~260.011-260.018~~ pursuant to the provisions of chapter 375,
 378 except that:

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

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

385 (c) Projects acquired under this chapter shall not be
 386 subject to the evaluation and selection procedures of s.
 387 259.035, regardless of the estimated value of such projects. All
 388 projects shall be acquired in accordance with the acquisition
 389 procedures of chapter 259, except that the department may use

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390 the appraisal procedure used by the Department of Transportation
 391 to acquire transportation rights-of-way. ~~When a parcel is~~
 392 ~~estimated to be valued at \$100,000 or less and the department~~
 393 ~~finds that the costs of obtaining an outside appraisal are not~~
 394 ~~justified, an appraisal prepared by the department may be used.~~

395 (3) Easements, licenses, and use agreements upon, over,
 396 under, across, or along any land, the fee title of which has
 397 been acquired for the purposes of this chapter ~~ss. 260.011-~~
 398 ~~260.018~~, may be granted by the department so long as the use of
 399 the easement, license, or use agreement does not interfere with
 400 the purposes of this chapter ~~ss. 260.011-260.018~~.

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

403 260.016 General powers of the department.--

404 (1) The department may:

405 (a) Publish and distribute appropriate maps of designated
 406 greenways and trails. ~~The description shall include a~~
 407 ~~generalized map delineating the area designated, location of~~
 408 ~~suitable ingress and egress sites, as well as other points of~~
 409 ~~interest to enhance the recreational opportunities of the~~
 410 ~~public.~~

411 ~~(b) Establish access routes and related public-use~~
 412 ~~facilities along greenways and trails which will not~~
 413 ~~substantially interfere with the nature and purposes of the~~
 414 ~~greenway or trail.~~

415 (b)(e) Adopt appropriate rules to implement or interpret
 416 this chapter ~~act~~ and portions of chapter 253 relating to

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417 | greenways and trails, which may include, but are not limited to,
 418 | rules for the following:

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

432 |
 433 | Any person who violates or otherwise fails to comply with the
 434 | rules adopted pursuant to subparagraph 3. commits a noncriminal
 435 | infraction for which a fine of up to \$500 may be imposed.

436 | ~~(c)-(d)~~ Coordinate the activities of all governmental units
 437 | and bodies and special districts that desire to participate in
 438 | the development and implementation of the Florida Greenways and
 439 | Trails System.

440 | ~~(d)-(e)~~ Establish, develop, and publicize greenways and
 441 | trails in a manner that will permit public recreation when
 442 | appropriate without damaging natural resources and avoiding
 443 | unnecessary impact upon sensitive environments such as wetlands
 444 | or animal habitats, wherever encountered. The Big Bend Historic

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445 Saltwater Paddling Trail from the St. Marks River to Yankeetown
 446 is hereby designated as part of the Florida Greenways and Trails
 447 System. Additions to this trail may be added by the Legislature
 448 or the department from time to time as part of the Florida a
 449 ~~statewide saltwater~~ Circumnavigation Saltwater Paddling Trail
 450 created in s. 260.19.

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

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

462 (g)~~(h)~~ Receive or accept from any legal source, grants for
 463 the purpose of providing or improving public greenways and
 464 trails, and the department is authorized to disburse funds as
 465 pass-through grants to federal, state, or local government
 466 agencies, recognized tribal units, or to nonprofit entities
 467 created for this purpose. The department has authority to adopt
 468 rules pursuant to ss. 120.536(1) and 120.54 to implement the
 469 provisions of this subsection. Such rules shall provide, but are
 470 not limited to, the following: procedures for grant
 471 administration and accountability; eligibility, selection
 472 criteria; maximum grant amounts and number of pending grants;

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473 dedication requirements; and conversion procedures and
474 requirements.

475 (2) The department shall:

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

484 Section 9. Section 260.019, Florida Statutes, is created
485 to read:

486 260.019 Florida Circumnavigation Saltwater Paddling
487 Trail.--

488 (1) The Florida Circumnavigation Saltwater Paddling Trail
489 is hereby created as part of the Florida Greenways and Trails
490 Program.

491 (2) The department shall establish the initial starting
492 and ending points by latitude and longitude for the trail
493 segments described in subsection (3) within 180 days after the
494 effective date of this act. Except for the Big Bend Historic
495 Saltwater Paddling Trail, segment 6, the department has the
496 exclusive authority to officially name and locate the remaining
497 25 trail segments. The department shall name and locate the
498 segments based on logical geographical boundaries, safety to
499 trail users, ease of management, desires of local communities
500 and user groups, and other factors that assist in the overall

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501 success of the trail system. The department may adjust the
 502 location of any trail segment; give official recognition to
 503 specific sites along the trail route; publish official trail
 504 guides and literature in cooperation with other governmental and
 505 private entities; and resolve conflicts that may arise between
 506 competing and conflicting parties over trail issues. The Florida
 507 Greenways and Trails Council may advise the department on all
 508 matters relating to the paddling trail. By January 1, 2008, the
 509 department shall prepare and submit a report setting forth the
 510 names and locations adopted for each trail segment to the
 511 Governor, the President of the Senate, and the Speaker of the
 512 House of Representatives.

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

- 518 (a) Segment 1: Pensacola/Fort Pickens.
- 519 (b) Segment 2: Choctawhatchee Bay.
- 520 (c) Segment 3: Panama City Beach/St. Andrews Bay.
- 521 (d) Segment 4: St. Joseph Bay/Apalachicola Bay.
- 522 (e) Segment 5: Alligator Harbor/Ochlockonee Bay.
- 523 (f) Segment 6: Big Bend Historic Saltwater Paddling Trail.
- 524 (g) Segment 7: Crystal Bay/St. Martin's.
- 525 (h) Segment 8: Pinellas.
- 526 (i) Segment 9: Tampa Bay/Longboat Key.
- 527 (j) Segment 10: Sarasota/Venice.
- 528 (k) Segment 11: Charlotte Harbor.

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- 529 | (l) Segment 12: Sanibel/Estero Bay.
- 530 | (m) Segment 13: Rookery Bay/Ten Thousand Islands.
- 531 | (n) Segment 14: Everglades National Park.
- 532 | (o) Segment 15: Florida Keys.
- 533 | (p) Segment 16: Biscayne Bay.
- 534 | (q) Segment 17: Hollywood/Ft. Lauderdale.
- 535 | (r) Segment 18: Pompano Beach/Lake Worth.
- 536 | (s) Segment 19: Palm Beach/Loxahatchee.
- 537 | (t) Segment 20: Hobe Sound/Ft. Pierce.
- 538 | (u) Segment 21: Vero Beach/Indian River Saltwater.
- 539 | (v) Segment 22: Merritt Island/Mosquito Lagoon.
- 540 | (w) Segment 23: Tomoka/Flagler.
- 541 | (x) Segment 24: Anastasia/Guana River.
- 542 | (y) Segment 25: Jacksonville/St. Johns River.
- 543 | (z) Segment 26: Nassau/Fort Clinch.

544 | Section 10. Section 260.021, Florida Statutes, is created
 545 | to read:

546 | 260.021 Recreational opportunities on mined lands.--The
 547 | Florida Wildlife Federation, Audubon Florida, and Rails-to-
 548 | Trails Conservancy, in partnership with the phosphate industry
 549 | and other mining companies, are encouraged to continue the
 550 | operation of the nonprofit corporation, Florida Mining-
 551 | Recreation, Inc., for the purpose of working with industry,
 552 | government, and private landowners to create plans and assist in
 553 | the development of recreational opportunities on mined lands in
 554 | the state. These opportunities should include walking, hiking,
 555 | use of off-highway vehicles, canoeing, bicycling, equestrian
 556 | activities, wildlife viewing, and other trail areas along with

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557 developing fishing and hunting lands. The board of directors of
 558 the corporation is encouraged to be composed of a member, or
 559 members, from the companies mining in the state; a member, or
 560 members, chosen by the Florida Wildlife Federation, Audubon
 561 Florida, and Rails-to-Trails Conservancy; and other members
 562 chosen by agreement of the partners.

563 Section 11. Section 335.067, Florida Statutes, is created
 564 to read:

565 335.067 Conserve by Bicycle Program.--There is created
 566 within the Department of Transportation the Conserve by Bicycle
 567 Program.

568 (1) The purposes of the Conserve by Bicycle Program are
 569 to:

570 (a) Save energy by increasing the number of miles ridden
 571 on bicycles, thereby reducing the usage of petroleum-based
 572 fuels.

573 (b) Increase efficiency of cycling as a transportation
 574 mode by improving interconnectivity.

575 (c) Reduce traffic congestion on existing roads.

576 (d) Provide recreational opportunities for Florida
 577 residents and visitors.

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

580 (f) Provide safe ways for children to travel from their
 581 homes to their schools by supporting the Safe Paths to Schools
 582 Program.

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

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

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

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

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

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

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

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

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

621 Section 12. Paragraph (k) of subsection (4) of section
 622 373.199, Florida Statutes, is amended to read:

623 373.199 Florida Forever Water Management District Work
 624 Plan.--

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

627 (k) An identification of the proposed public access for
 628 projects with land acquisition components, including the Florida
 629 National Scenic Trail.

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

632 378.036 Land acquisitions financed by Nonmandatory Land
 633 Reclamation Trust Fund moneys.--

634 ~~(6)(a) By January 1, 2004, or within 6 months following~~
 635 ~~the date funds become available from the Legislature, whichever~~
 636 ~~is later, the Florida Wildlife Federation, Audubon Florida, and~~
 637 ~~Rails to Trails Conservancy in partnership with the Florida~~

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638 ~~Phosphate Council are authorized to form a nonprofit corporation~~
 639 ~~pursuant to chapter 617 for the purpose of implementing this~~
 640 ~~section by creating plans and assisting in the development of~~
 641 ~~recreational opportunities on lands mined for phosphate in the~~
 642 ~~state. The first plans must concentrate on recreational~~
 643 ~~activities in Hardee and Hamilton Counties which will assist~~
 644 ~~them in rural economic development.~~

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

650 ~~(c) The business of the corporation shall be conducted by~~
 651 ~~the board of directors or a chief executive officer as the board~~
 652 ~~shall see fit in accordance with the provisions of its articles~~
 653 ~~of incorporation and applicable law. The activities of the~~
 654 ~~corporation shall be coordinated with all landowners who have~~
 655 ~~voluntarily agreed to participate in the process as well as any~~
 656 ~~local government where such lands are recorded.~~

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

661 ~~(e) The corporation shall dissolve on January 1, 2009,~~
 662 ~~unless dissolved previously by action of its board of directors~~
 663 ~~or extended by the Legislature. Upon dissolution, any moneys~~
 664 ~~remaining in the accounts of the corporation that are~~
 665 ~~unobligated shall be returned to the funds from which they were~~

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666 ~~appropriated in proportion to the amount contributed. All~~
667 ~~tangible assets of the corporation at dissolution which were~~
668 ~~acquired using state funding shall become the property of the~~
669 ~~Department of Environmental Protection.~~

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

672 380.507 Powers of the trust.--The trust shall have all the
673 powers necessary or convenient to carry out the purposes and
674 provisions of this part, including:

675 (4) To acquire and dispose of real and personal property
676 or any interest therein when necessary or appropriate to protect
677 the natural environment, provide public access or public
678 recreational facilities, including the Florida National Scenic
679 Trail, preserve wildlife habitat areas, provide access for
680 managing acquired lands, or otherwise carry out the purposes of
681 this part. If the trust acquires land for permanent state
682 ownership, title to such land shall be vested in the Board of
683 Trustees of the Internal Improvement Trust Fund; otherwise,
684 title to property acquired in partnership with a county or
685 municipality shall vest in the name of the local government.
686 Notwithstanding any other provision of law, the trust may enter
687 into an option agreement to purchase lands included in projects
688 approved according to this part, when necessary to reserve lands
689 during the preparation of project plans and during acquisition
690 proceedings. The consideration for an option shall not exceed
691 \$100,000.

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

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694 110.501 Definitions.--As used in this act:

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

707 Section 16. This act shall take effect upon becoming a
708 law.