

Bill No. CS for SB 774

Barcode 104072

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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11 The Committee on Transportation (Bennett) recommended the  
 12 following amendment:

14 **Senate Amendment (with title amendment)**

15 On page 2, line 19, through  
 16 page 15, line 26, delete those lines

18 and insert:

19 Section 2. Subsection (1) of section 110.501, Florida  
 20 Statutes, is amended to read:

21 110.501 Definitions.--As used in this act:

22 (1) "Volunteer" means any person who, of his or her  
 23 own free will, provides goods or services, or conveys an  
 24 interest in or otherwise consents to the use of real property  
 25 pursuant to chapter 260 ~~ss. 260.011-260.018~~, to any state  
 26 department or agency, or nonprofit organization, with no  
 27 monetary or material compensation. A person registered and  
 28 serving in Older American Volunteer Programs authorized by the  
 29 Domestic Volunteer Service Act of 1973, as amended (Pub. L.  
 30 No. 93-113), ~~is shall~~ also ~~be~~ defined as a volunteer and shall  
 31 incur no civil liability as provided by s. 768.1355. A

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1 volunteer ~~is shall be~~ eligible for payment of volunteer  
2 benefits as specified in Pub. L. No. 93-113, this section, and  
3 s. 430.204.

4 Section 3. Section 260.011, Florida Statutes, is  
5 amended to read:

6 260.011 Short title.--Chapter 260 Sections  
7 ~~260.011-260.018 shall be known and~~ may be cited as the  
8 "Florida Greenways and Trails Act."

9 Section 4. Subsections (1), (2), (5), and (6) of  
10 section 260.012, Florida Statutes, are amended to read:

11 260.012 Declaration of policy and legislative  
12 intent.--

13 (1) In order to recognize the benefits of the outdoor  
14 areas of Florida, and in order to conserve, develop, and use  
15 the natural resources of this state for healthful and  
16 recreational purposes, it is declared to be the public policy  
17 of this state and the purpose of this chapter ss-

18 ~~260.011-260.018~~ to provide the means and procedures for  
19 establishing and expanding a statewide system of greenways and  
20 trails for recreational and conservation purposes which shall  
21 be designated as the "Florida Greenways and Trails System."  
22 The standards by which the greenways and trails system shall  
23 be acquired, designated, administered, maintained, used, and  
24 expanded shall be consistent with this chapter the provisions

25 ~~of ss. 260.011-260.018~~. It is the intent of the Legislature  
26 that these greenways and trails will serve to implement the  
27 concepts of ecosystems management while providing, where  
28 appropriate, recreational opportunities, including, but not  
29 limited to, equestrian activities ~~horseback riding~~, hiking,  
30 bicycling, canoeing, jogging, and historical and  
31 archaeological interpretation, thereby improving the health

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1 and welfare of the people.

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

23 (5) The planning, development, operation, and  
24 maintenance of the Florida Greenways and Trails System  
25 authorized by this chapter ~~ss. 260.011-260.018~~ is declared to  
26 be a public purpose, and the Department of Environmental  
27 Protection, together with other agencies of this state and all  
28 counties, municipalities, and special districts of this state,  
29 is authorized to spend public funds for such purposes and to  
30 accept gifts and grants of funds, property, or property rights  
31 from public or private sources to be used for such purposes.

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

18           (a) Encourages each state, regional, and local agency  
19 that acquires lands to acquire property interests in the lands  
20 over which the trail passes which are sufficient to ensure  
21 that the trail remains in a permanent location.

22           (b) Officially recognizes, for establishment and  
23 acquisition purposes, the route of the trail as determined by  
24 the U.S.D.A. Forest Service, assisted by the Florida Trail  
25 Association, in the publication entitled "Preferred Routing  
26 for the Florida National Scenic Trail."

27           (c) Encourages state land-buying agencies to consider,  
28 with the assistance of the Florida Trail Association and the  
29 office, the Florida National Scenic Trail as a single project  
30 with multiple phases for the purposes of listing property for  
31 and completing acquisitions.

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1       (d) Encourages the use of private funds to supplement  
 2 the state's funding for acquisition of fee or less-than-fee  
 3 interests in land containing designated portions of the  
 4 Florida National Scenic Trail.

5       (e) Encourages private landowners to continue to allow  
 6 the use of their property for purposes of the Florida National  
 7 Scenic Trail by providing limited liability protection and  
 8 encouraging provision of additional incentives for such  
 9 landowners.

10       (f) Encourages state and local agencies having  
 11 economic and ecotourism development responsibilities to  
 12 recognize the importance of the Florida National Scenic Trail  
 13 in bringing nature-based tourism to communities along the  
 14 trail route and to support acquisition and development  
 15 activities for completion of the trail in a permanent  
 16 location. It is also the intent of the Legislature to  
 17 encourage all state, regional, and local agencies who acquire  
 18 lands to include in their land-buying efforts the acquisition  
 19 of sufficient legal interest in the lands over which the trail  
 20 passes to ensure its continued existence in a permanent  
 21 location.

22       Section 5. Section 260.013, Florida Statutes, is  
 23 transferred, renumbered as section 260.0111, Florida Statutes,  
 24 and amended to read:

25       260.0111 260.013 Definitions.--As used in this chapter  
 26 ~~ss. 260.011-260.018~~, unless the context otherwise requires:

27       (1) "Board" means the Board of Trustees of the  
 28 Internal Improvement Trust Fund.

29       (2) "Department" means the Department of Environmental  
 30 Protection.

31       (3) "Designation" means the identification and

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

12 (4) "Greenway" means a linear open space established  
 13 along either a natural corridor, such as a riverfront, stream  
 14 valley, or ridgeline, or over land along a railroad  
 15 right-of-way converted to recreational use, a canal, a scenic  
 16 road, or other route; any natural or landscaped course for  
 17 pedestrian or bicycle passage; an open space connector linking  
 18 parks, nature reserves, cultural features, or historic sites  
 19 with each other and populated areas; or a local strip or  
 20 linear park designated as a parkway or greenbelt.

21 (5) "Office" means the Office of Greenways and Trails  
 22 of the Department of Environmental Protection.

23 ~~(6)(5)~~ "Trails" means linear corridors and any  
 24 adjacent support parcels on land or water providing public  
 25 access for recreation or authorized alternative modes of  
 26 transportation.

27 Section 6. Section 260.0141, Florida Statutes, is  
 28 amended to read:

29 260.0141 Greenways and Trails Program.--There is  
 30 established within the department the "Florida Greenways and  
 31 Trails Program," the purpose of which is to facilitate the

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1 establishment of a statewide system of greenways and trails.

2 ~~Such greenways and trails shall be acquired pursuant to this~~

3 ~~act.~~ Planning materials, maps, data, and other information

4 developed or used in the program shall not be construed as

5 designation of lands as part of the statewide system of

6 greenways and trails. Identification of lands in such

7 information shall not:

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

11 (2) Be construed or cited as authority to adopt,  
12 enforce, or amend any environmental rule or regulation;  
13 comprehensive plan goals, policies, or objectives; or zoning  
14 or land-use ordinance;

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

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

22 Section 7. Section 260.0142, Florida Statutes, is  
23 amended to read:

24 260.0142 Florida Greenways and Trails Council;  
25 composition; powers and duties.--

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

31 (a) Five members appointed by the Governor, with two

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

7 (b) Three members appointed by the President of the  
 8 Senate, with one member representing the trail user community  
 9 and two members representing the greenway user community. ~~Of~~  
 10 ~~the initial appointments, two shall be appointed for 2-year~~  
 11 ~~terms and one shall be appointed for a 1-year term. Subsequent~~  
 12 ~~appointments shall be for 2-year terms.~~

13 (c) Three members appointed by the Speaker of the  
 14 House of Representatives, with two members representing the  
 15 trail user community and one member representing the greenway  
 16 user community. ~~Of the initial appointments, two shall be~~  
 17 ~~appointed for 2-year terms and one shall be appointed for a~~  
 18 ~~1-year term. Subsequent appointments shall be for 2-year~~  
 19 ~~terms.~~

20  
 21 Those eligible to represent the trail user community shall be  
 22 chosen from, but not be limited to, paved trail users, hikers,  
 23 off-road bicyclists, users of off-highway vehicles, paddlers,  
 24 equestrians, disabled outdoor recreational users, and  
 25 commercial recreational interests. Those eligible to represent  
 26 the greenway user community shall be chosen from, but not be  
 27 limited to, conservation organizations, nature study  
 28 organizations, and scientists and university experts.

29 (d) The 10 remaining members shall include:  
 30 1. The Secretary of Environmental Protection or a  
 31 designee;



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- 1           2. The executive director of the Fish and Wildlife
- 2 Conservation Commission or a designee;
- 3           3. The Secretary of Community Affairs or a designee;
- 4           4. The Secretary of Transportation or a designee;
- 5           5. The Director of the Division of Forestry of the
- 6 Department of Agriculture and Consumer Services or a designee;
- 7           6. The director of the Division of Historical
- 8 Resources of the Department of State or a designee;
- 9           7. A representative of the water management districts
- 10 ~~who shall serve for 1 year.~~ Membership on the council shall
- 11 rotate among the five districts. The districts shall determine
- 12 the order of rotation;
- 13           8. A representative of a federal land management
- 14 agency. The Secretary of Environmental Protection shall
- 15 identify the appropriate federal agency and request
- 16 designation of a representative from the agency to serve on
- 17 the council;
- 18           9. A representative of the regional planning councils
- 19 to be appointed by the Secretary of Environmental Protection,
- 20 in consultation with the Secretary of Community Affairs.
- 21 Membership on the council shall rotate among the seven
- 22 regional planning councils. The regional planning councils
- 23 shall determine the order of rotation, for a single 2-year
- 24 ~~term. The representative shall not be selected from the same~~
- 25 ~~regional planning council for successive terms; and~~
- 26           10. A representative of local governments to be
- 27 appointed by the Secretary of Environmental Protection, in
- 28 consultation with the Secretary of Community Affairs, ~~for a~~
- 29 ~~single 2-year term.~~ Membership shall alternate between a
- 30 county representative and a municipal representative.
- 31

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1 The term of all appointees shall be for 2 years unless  
 2 otherwise specified. The appointees of the Governor, the  
 3 President of the Senate, and the Speaker of the House of  
 4 Representatives may be reappointed for no more than four  
 5 consecutive terms. The representative of the water management  
 6 districts, regional planning councils, and local governments  
 7 may be reappointed for no more than two consecutive terms. All  
 8 other appointees may serve until replaced.

9           (2) The department shall provide necessary staff  
 10 assistance to the council.

11           ~~(3) The council is authorized to contract for and to~~  
 12 ~~accept gifts, grants, or other aid from the United States~~  
 13 ~~Government or any person or corporation.~~

14           ~~(3)(4)~~ The duties of the council shall include, but  
 15 not be limited to, the following:

16           ~~(a) Advise the Department of Environmental Protection,~~  
 17 ~~the Department of Community Affairs, the Department of~~  
 18 ~~Transportation, the Fish and Wildlife Conservation Commission,~~  
 19 ~~the Division of Forestry of the Department of Agriculture and~~  
 20 ~~Consumer Services, the water management districts, and the~~  
 21 ~~regional planning councils on policies relating to the Florida~~  
 22 ~~Greenways and Trails System, and promote intergovernmental~~  
 23 ~~cooperation;~~

24           ~~(a)(b)~~ Facilitate a statewide system of interconnected  
 25 landscape linkages, conservation corridors, greenbelts,  
 26 recreational corridors and trails, scenic corridors,  
 27 utilitarian corridors, reserves, regional parks and preserves,  
 28 ecological sites, and cultural/historic/recreational sites,  
 29 using

30           ~~(c) Facilitate a statewide system of interconnected~~  
 31 land-based trails that connect urban, suburban, and rural

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1 areas of the state and facilitate expansion of the statewide  
2 system of freshwater and saltwater paddling trails.†

3 ~~(b)(d)~~ Recommend priorities for critical links in the  
4 Florida Greenways and Trails System.†

5 ~~(c)(e)~~ Review recommendations of the office  
6 ~~applications~~ for acquisition funding under the Florida  
7 Greenways and Trails Program and recommend to the Secretary of  
8 Environmental Protection which projects should be acquired.†

9 ~~(f)~~ ~~Provide funding recommendations to agencies and~~  
10 ~~organizations regarding the acquisition, development, and~~  
11 ~~management of greenways and trails, including the promotion of~~  
12 ~~private landowner incentives.~~

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

15 ~~(h)~~ ~~Provide advocacy and education to benefit the~~  
16 ~~statewide system of greenways and trails by encouraging~~  
17 ~~communication and conferencing.~~

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

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

22 ~~(g)(k)~~ Make recommendations for updating and revising  
23 the implementation plan for the Florida Greenways and Trails  
24 System.†

25 ~~(l)~~ ~~Advise the Land Acquisition and Management~~  
26 ~~Advisory Council or its successor to ensure the incorporation~~  
27 ~~of greenways and trails in land management plans on lands~~  
28 ~~managed by the Department of Environmental Protection, the~~  
29 ~~Fish and Wildlife Conservation Commission, the Division of~~  
30 ~~Historical Resources of the Department of State, and the~~  
31 ~~Division of Forestry of the Department of Agriculture and~~

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1 ~~Consumer Services:~~

2       ~~(m) Provide advice and assistance to the Department of~~  
3 ~~Transportation and the water management districts regarding~~  
4 ~~the incorporation of greenways and trails into their planning~~  
5 ~~efforts;~~

6       ~~(n) Encourage land use, environmental, and coordinated~~  
7 ~~linear infrastructure planning to facilitate the~~  
8 ~~implementation of local, regional, and statewide greenways and~~  
9 ~~trails systems;~~

10       (h)~~(o)~~ Promote greenways and trails support  
11 organizations. ~~;~~ and

12       (i)~~(p)~~ Support the Florida Greenways and Trails System  
13 through intergovernmental coordination, budget  
14 recommendations, advocacy, education, and in any other  
15 appropriate way.

16       (4)~~(5)~~ The council shall establish procedures for  
17 conducting its affairs in execution of the duties and  
18 responsibilities stated in this section, which operating  
19 procedures shall include determination of a council chair and  
20 other appropriate operational guidelines. The council shall  
21 meet at the call of the chair, or at such times as may be  
22 prescribed by its operating procedures. The council may  
23 establish committees to conduct the work of the council and  
24 the committees may include nonmembers as appropriate.

25       (5)~~(6)~~ A vacancy on the council shall be filled for  
26 the remainder of the unexpired term in the same manner as the  
27 original appointment. Members whose terms have expired may  
28 continue to serve until replaced or reappointed. ~~No member~~  
29 ~~shall serve on the council for more than two consecutive~~  
30 ~~terms.~~

31       (6)~~(7)~~ Members of the council may ~~shall~~ not receive

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1 any compensation for their services but are ~~shall be~~ entitled  
2 to receive reimbursement for per diem and travel expenses  
3 incurred in the performance of their duties, as provided in s.  
4 112.061.

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

7 260.015 Acquisition of land.--

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

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

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

19 (c) Projects acquired under this chapter shall not be  
20 subject to the evaluation and selection procedures of s.  
21 259.035, regardless of the estimated value of such projects.  
22 All projects shall be acquired in accordance with the  
23 acquisition procedures of chapter 259, except that the  
24 department may use the appraisal procedure used by the  
25 Department of Transportation to acquire transportation  
26 rights-of-way. ~~When a parcel is estimated to be valued at~~  
27 ~~\$100,000 or less and the department finds that the costs of~~  
28 ~~obtaining an outside appraisal are not justified, an appraisal~~  
29 ~~prepared by the department may be used.~~

30 (3) Easements, licenses, and use agreements upon,  
31 over, under, across, or along any land, the fee title of which

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1 has been acquired for the purposes of this chapter ~~ss.~~  
 2 ~~260.011-260.018~~, may be granted by the department so long as  
 3 the use of the easement, license, or use agreement does not  
 4 interfere with the purposes of this chapter ~~ss.~~  
 5 ~~260.011-260.018~~.

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

9 260.016 General powers of the department.--

10 (1) The department may:

11 (a) Publish and distribute appropriate maps of  
 12 ~~designated~~ greenways and trails. ~~The description shall include~~  
 13 ~~a generalized map delineating the area designated, location of~~  
 14 ~~suitable ingress and egress sites, as well as other points of~~  
 15 ~~interest to enhance the recreational opportunities of the~~  
 16 ~~public.~~

17 ~~(b) Establish access routes and related public-use~~  
 18 ~~facilities along greenways and trails which will not~~  
 19 ~~substantially interfere with the nature and purposes of the~~  
 20 ~~greenway or trail.~~

21 ~~(b)(c)~~ Adopt appropriate rules to implement or  
 22 interpret this act and portions of chapter 253 relating to  
 23 greenways and trails, which may include, but are not limited  
 24 to, rules for the following:

- 25 1. Establishing a designation process.
- 26 2. Negotiating and executing agreements with private  
 27 landowners.
- 28 3. Establishing prohibited activities or restrictions  
 29 on activities to protect the health, safety, and welfare of  
 30 the public.
- 31 4. Charging fees for use.

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- 1           5. Providing public access.
- 2           6. Providing for maintenance.
- 3           7. Any matter necessary to the evaluation, selection,
- 4 operation, and maintenance of greenways and trails.

5

6 Any person who violates or otherwise fails to comply with the

7 rules adopted pursuant to subparagraph 3. commits a

8 noncriminal infraction for which a fine of up to \$500 may be

9 imposed.

10           ~~(c)(d)~~ Coordinate the activities of all governmental

11 units and bodies and special districts that desire to

12 participate in the development and implementation of the

13 Florida Greenways and Trails System.

14           ~~(d)(e)~~ Establish, develop, and publicize greenways and

15 trails in a manner that will permit public recreation when

16 appropriate without damaging natural resources. The Big Bend

17 Historic Saltwater Paddling Trail from the St. Marks River to

18 Yankeetown is hereby designated as part of the Florida

19 Greenways and Trails System. Additions to this trail may be

20 added by the Legislature or the department from time to time

21 as part of the Florida a statewide saltwater Circumnavigation

22 Saltwater Paddling Trail created in s. 260.20.

23           ~~(e)(f)~~ Enter into agreements with any federal, state,

24 or local governmental agency, or any other entity for the

25 management of greenways and trails for recreation and

26 conservation purposes consistent with the intent of this

27 chapter. Such entities must demonstrate their capabilities of

28 management for the purposes defined in this chapter ~~ss.~~

29 ~~260.011-260.018.~~

30

31 (Redesignate subsequent sections.)

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1 ===== T I T L E   A M E N D M E N T =====

2 And the title is amended as follows:

3           On page 1, line 2, after the semicolon,

4

5 insert:

6           amending s. 110.501, F.S.; conforming a

7           cross-reference;

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