

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Environmental Preservation Committee

BILL: CS/SB 774

SPONSOR: Environmental Preservation Committee and Senator Dockery

SUBJECT: Greenways and trails

DATE: February 22, 2005 REVISED: 4/11/05 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Molloy</u>	<u>Kiger</u>	<u>EP</u>	Fav/CS
2.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	Fav/2 amendments
3.	_____	_____	<u>GA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

This Committee Substitute (CS) requests the Division of Statutory Revision to rename chapter 260, Florida Statutes, as the "Florida Greenways and Trails", establishes the Legislature's intent to recognize the Florida National Scenic Trail (Trail) as Florida's official statewide nonmotorized trail from the Florida Panhandle to the Everglades and the Florida Keys, and recognizes the federal government's major contributions and the efforts of private landowners, state government and non-profit entities in establishing the Trail. The CS establishes the Legislature's intent to encourage private landowners to continue to allow the use of private property for Trail purposes through incentives and liability protection, and encourages state and local agencies responsible for ecotourism to recognize the importance of the Trail in providing nature-based recreational opportunities to local communities along the Trail route.

The CS revises term limits and duties for members of the Florida Greenways and Trails Council, and requires outside appraisals for Trail acquisitions regardless of the estimated value of the property. The Legislature's intent to encourage all state and local agencies to assist various public and private entities in securing public access to linear corridors suitable for trails is established.

This CS also creates the "Florida Circumnavigation Saltwater Paddling Trail" as part of the Florida Greenways and Trails System. The Department of Environmental Protection (department) is directed to establish the starting and ending points of the paddling trail within

180 days after the effective date of the act, and is provided with exclusive authority to name and locate the segments of the paddling trail, with the exception of the Big Bend Saltwater Paddling Trail. The Paddling Trail is composed of 26 segments starting at the Florida/Alabama border on the west and ending at the Florida/Georgia border on the east. The department is authorized to name and locate the segments of the trail based on specific criteria, including logical geographical boundaries.

This CS substantially amends the following sections of the Florida Statutes: ss. 260.011, 260.012, 260.0141, 260.0142, 260.015, 260.016, 373.199, and 380.507, and transfers and renumbers s. 260.13 as s. 260.0111.

This CS creates the following section of the Florida Statutes: s. 260.20.

II. Present Situation:

National Scenic Trail System

The National Scenic Trail System Act of 1968 created a program for the preservation of trail corridors that typically allow hiking and sometimes horseback riding, but not mechanized transport. The trails are generally long and frequently cross state lines. Three categories of trails were created in the 1968 Act: national scenic trails, national recreation trails and side-and-connecting trails. In 1978, Congress created a fourth category known as national historic trails. The national scenic trails are long-distance trails running more than 100 miles and are created through an Act of Congress. The Florida National Scenic Trail is one of eight national scenic trails in existence right now.

Florida Trail/Florida National Scenic Trail

The 1979 Legislature enacted ch. 79-110, Laws of Florida, entitled the "Florida Recreational Trails Act of 1979." The purpose of the Act was to provide for a network of trails to be used for hiking, biking, horseback riding, and jogging. The Act also proposed to establish a series of canoe trails. In developing the Recreational Trail System, the department (formerly the Department of Natural Resources) was encouraged to use areas within or connecting state parks and forests, national parks and forests, local parks, public rights-of-way, and existing trails.

In 1983, the Florida Trail was designated as the Florida National Scenic Trail, and today, more than 700 miles of the trail are certified as part of the national trail. When completed, the Florida National Scenic Trail will stretch at least 1,300 miles from the Panhandle of Florida down to Big Cypress National Park in south Florida. Portions of the trail are components of the Florida Greenways and Trails program, the successor to the Recreational Trails System.

In 1987, the Florida Rails-to-Trails program at the department was created to provide an emphasis on the acquisition and development of abandoned railroad corridors for use as public recreational trails, and to contribute to the preservation of wildlife habitat. Many railroad lines run along river corridors and coastal plains, areas with the most scenic views and productive habitat. Until 1990, the program depended on annual legislative appropriations, but the creation of the Preservation 2000 (P2000) program changed that. The P2000 program was created as a 10-year, \$3 billion bond program to acquire environmentally sensitive lands for conservation,

protection, restoration and preservation purposes. The Rails-to-Trails program was provided with \$3.9 million a year in funding under P2000 through 1996.

In 1996, the Florida Legislature enacted ch. 96-389, Laws of Florida, which renamed the Recreational Trails System Act as the Florida Greenways and Trails Act, and provided for a statewide system of greenways and trails for recreational and conservation purposes and uses. Greenways were defined to be "linear open spaces established along either a natural corridor, such as a riverfront, stream valley, or ridgeline, or over land along a railroad right-of-way converted to recreational use..." and trails were defined to mean "linear corridors and any adjacent support parcels on land or water providing public access for recreation or authorized alternative modes of transportation." P2000 funding for Rails-to-Trails was extended through 2000, and was succeeded by funding from the Florida Forever program, as well as other state and federal funding and grant programs.

Other funding programs include the Florida Communities Trust program at the Department of Community Affairs, which provides grants to cities and counties for the acquisition of greenways and trails, and related access locations, and the Florida Recreation Development Assistance Program at the department which provides funding for the acquisition or development of lands for recreational trails, as well as for the acquisition or development of land for public outdoor recreation purposes.

Florida Trail Association

The Florida Trail Association is a private, non-profit volunteer organization founded in 1966 whose goal is the development of a continuous hiking trail that runs the length of the state. Association volunteers are responsible for building and maintaining the continuous foot path, as well as the loop and side trails throughout the state.¹

Florida Greenways and Trails Council

The 21-member Florida Greenways and Trails Council was established to advise the department in the execution of its duties with respect to the establishment of greenways and trails. The Council is composed of the following members:

- 5 members appointed by the Governor (can be reappointed for 2 year terms),
- 3 members appointed by the President of the Senate (can be reappointed for 2-year terms),
- 3 members appointed by the Speaker of the House of Representatives (can be reappointed for 2-year terms),
- The Secretary of Environmental Protection or a designee (serves until replaced),
- The Executive Director of the Fish & Wildlife Conservation Commission or a designee (serves until replaced),
- The Secretary of Community Affairs or a designee (serves until replaced),
- The Secretary of Transportation or a designee (serves until replaced),
- The Director of the Division of Forestry at the Department of Agriculture & Consumer Services or a designee (serves until replaced),

¹ "Florida's Footpath Forever", *Florida Trail Association Trailhead*, www.florida-trail.org

- The Director of the Division of Historical Resources at the Department of State or a designee (serves until replaced),
- 1 representative from the water management districts (serves 1 year membership rotating among the districts),
- 1 representative from a federal land management agency as identified by the Secretary of Environmental Protection (serves until replaced),
- 1 representative from the regional planning councils appointed by the Secretary of Environmental Protection in consultation with the Secretary of Community Affairs (can serve a single 2-year term with membership rotating among the 11 regional planning councils), and
- 1 local government representative appointed by the Secretary of Environmental Protection in consultation with the Secretary of Community Affairs (can serve for one 2-year term with membership alternating between a county representative and a city representative).

III. Effect of Proposed Changes:

Section 1. Requests that the Division of Statutory Revision rename chapter 260, Florida Statutes, now entitled "RECREATIONAL TRAILS SYTEM" as "FLORIDA GREENWAYS AND TRAILS."

Section 2. Amends s. 260.011, F.S., to provide that ss. 260.011-260.018, F.S., may be cited as the "Florida Greenways and Trails Act".

Section 3. Amends s. 260.012, F.S., to establish the Legislature's intent to recognize the efforts of the federal government and private citizens in establishing the Florida National Scenic Trail. Establishes legislative recognition of the economic benefit of natural resource-based recreation.

Encourages all state, regional, and local agencies that purchase lands to include acquisition of lands over which the trail passes and to consider the trail a single project with multiple phases for purposes of listing and acquisition.

Officially recognizes the trail route for establishment and acquisition purposes as determined in the "Preferred Routing for the Florida National Scenic Trail" publication, published by the United States Forestry Service and the Florida Trail Association.

Encourages private landowners to continue to allow the use of lands for trail purposes through existing and future incentives and liability protection. Encourages state and local agencies with economic and ecotourism development responsibilities to recognize the importance of the trail in bringing nature-based recreation to local communities along the trail.

Section 4. Amends s. 260.013, F.S., to define "Office" for the purposes of chapter 260, Florida Statutes, as the Office of Greenways and Trails at the department, and transfers and renumbers this section as s. 260.0111, F.S.

Section 5. Amends s. 260.0141, F.S., to repeal provisions requiring that greenways and trails must be acquired pursuant to the provisions of chapter 260, F.S., and allows the acquisition of greenways and trails under the state's land acquisition programs created in chapters 259 and 380, Florida Statutes.

Section 6. Amends s. 260.0142, F.S., to revise the membership and terms of members on the Florida Greenways and Trails Council. Revises the trail user community representative definition to include users of off-highway vehicles. Provides that all members of the council will serve a 2-year term unless otherwise specified. Prohibits certain council members from being reappointed for more than two consecutive terms.

Section 7. Amends s. 260.015, F.S., to repeal duplicative provisions contained in chapter 259, Florida Statutes.

Section 8. Amends s. 260.016, F.S., to review department requirements relating to the department's authority to publish and distribute trail maps. Authorizes the Legislature and the department to add segments to the Big Bend Historic Saltwater Paddling Trail. Requires that the department evaluate lands to be acquired based on a landowner's willingness to negotiate the sale, as well as evaluating the importance and functions of suitable corridors for inclusion in the state trail system.

Section 9. Creates s. 260.20, F.S., to create the Florida Circumnavigation Saltwater Paddling Trail as part of the Florida Greenways and Trails System. Requires the department to establish the initial starting and ending points, by latitude and longitude, of the paddling trail segments within 180 days after the effective date of the act.

Provides that with the exception of the Big Bend Saltwater Paddling Trail, the department has the exclusive authority to officially name and locate the trail segments. Requires that the segments be named based on logical geographical boundaries, safety to paddling trail users, ease of management and other factors that assist in the overall success of the trail system. Provides that the Florida Greenways and Trails Council shall advise the department on matters relating to the paddling trail.

Requires that no later than January 1, 2008, the department must submit a report to the Governor and the Legislature setting forth the names and location adopted for each segment of the paddling trail. Provides that the paddling trail consists of 26 segments that start at the Florida/Alabama border on the west and end at the Florida/Georgia border on the east. Establishes the general geographic locations of the segments.

Section 10. Amends s. 373.199, F.S., to require that as part of the Florida Forever Water Management District Work Plan, the districts must include the Florida National Scenic Trail when identifying proposed public access to projects with a land acquisition component.

Section 11. Amends s. 380.507, F.S., to authorize the Florida Communities Trust to provide public access to or public recreational facilities on the Florida National Scenic Trail.

Section 12. Provides that the act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Environmental Preservation expects no fiscal impact from the provisions of this CS.

VI. Technical Deficiencies:

None.

VII. Related Issues:

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

Barcode 104072 by Transportation:

This amendment corrects a statutory reference in numerous sections of the CS.

Barcode 563980 by Transportation:

Encourages the continued operation of Florida Mining-Recreation, Inc., a nonprofit consortium working with industry, government, and private landholders for the development of recreational opportunities on mined lands. The amendment deletes language establishing the consortium and providing organizational structure requirements. The amendment also creates the Conserve by Bicycle program within the Department of Transportation to study how resources may be conserved, health may be improved, safety improved, and traffic congestion reduced by enhancing bicycling in Florida. Additionally, the amendment includes the Florida National Scenic Trail in the description of proposed public access in the Florida Forever Water Management District Work Plan's land acquisition component.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
