

Committee Substitute for House Bill No. 3771

An act relating to recreational lands; providing purposes; amending s. 110.501, F.S.; revising the definition of “volunteer” to include persons who consent to certain use of real property; amending s. 260.012, F.S.; revising declaration of policy and legislative intent relating to the “Florida Greenways and Trails Act”; creating s. 260.0125, F.S.; providing rights and benefits of landowners whose lands are designated as greenways or trails; requiring the Department of Environmental Protection to post certain notices of trespass; providing for penalties; amending s. 260.013, F.S.; revising definitions; amending s. 260.014, F.S.; requiring the landowner’s specific written consent for designation of lands as a part of the statewide system of greenways and trails; amending ss. 260.0141 and 260.018, F.S.; restricting certain construction or use of planning materials; amending s. 260.016, F.S., relating to powers of the department; providing for rules; providing penalties; providing for fees; providing for a process for designation of lands as a part of the state system of greenways and trails; authorizing negotiations with private landowners; authorizing incentives for certain landowners; directing the Department of Environmental Protection to erect a suitable memorial to Marjorie Harris Carr on the Cross Florida Greenways State Recreation Area; amending s. 259.041, F.S.; authorizing the Division of State Lands to use appraisals provided by a public agency or nonprofit organization; amending s. 259.101, F.S.; revising the date that certain unencumbered funds in the Preservation 2000 Trust Fund will be redistributed; amending s. 372.57, F.S.; providing for a recreational user permit fee to hunt, fish, or otherwise use for outdoor recreational purposes, land leased by Game and Fresh Water Fish Commission from private nongovernmental owners; providing for the sale of specified lands by the Board of Trustees of the Internal Improvement Trust Fund; providing for the deposit of funds from the sale; providing an effective date.

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

Section 1. The purpose of this act is to encourage private landowners to make their lands available to the public as part of the statewide system of designated greenways and trails by:

(1) Limiting the landowner’s liability to persons going on such land and to third persons who may be damaged by the acts or omissions of persons going on such land; and

(2) Providing the landowner other positive incentives in accordance with section 260.016(3), Florida Statutes.

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

110.501 Definitions.—As used in this act:

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

Section 3. Section 260.012, Florida Statutes, is amended to read:

260.012 Declaration of policy and legislative intent.—

(1) In order to ~~recognize the benefits provide the public with access to the use, enjoyment, and appreciation~~ of the outdoor areas of Florida, and in order to conserve, develop, and use the natural resources of this state for healthful and recreational purposes, it is declared to be the public policy of this state and the purpose of ss. 260.011-260.018 to provide the means and procedures for establishing and expanding a statewide system of greenways and trails for recreational and conservation purposes which shall be designated as the “Florida Greenways and Trails System.” The standards by which the greenways and trails system shall be acquired, designated, administered, maintained, used, and expanded shall be consistent with the provisions of ss. 260.011-260.018. It is the intent of the Legislature that these greenways and trails will serve to implement the concepts of ecosystems management while providing, where appropriate, recreational opportunities, including, but not limited to, horseback riding, hiking, bicycling, canoeing, jogging, and historical and archeological interpretation, thereby improving the health and welfare of the people.

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

(3) It is the intent of the Legislature that designated greenways and trails be located on public lands and, subject to the written agreement of the private landowner, on private lands. Designated greenways and trails located on public or private lands may or may not provide public access, as agreed by the department or the landowner, respectively.

(4) It is the intent of the Legislature that information produced for the purpose of the identification of lands, both public and private, that are suitable for greenways and trails be used only for the purposes of:

(a) Setting priorities for acquisition, planning, and management of public lands for use as greenways and trails; and

(b) Identification of private lands which are eligible for designation as part of the greenways and trails system and are thereby eligible for incentives.

~~(5)~~⁽³⁾ The planning, development, operation, and maintenance of the Florida Greenways and Trails System authorized by ss. 260.011-260.018 is declared to be a public purpose, and the Department of Environmental Protection, together with other governments and agencies of this state and all counties, municipalities, and special districts of this state, is authorized to spend public funds for such purposes and to accept gifts and grants of funds, property, or property rights from public or private sources to be used for such purposes.

~~(4) The provisions of s. 375.251 relating to the liability of persons making lands available for outdoor recreational purposes shall be applicable to ss. 260.011-260.018.~~

~~(6)~~⁽⁵⁾ It is the intent of the Legislature to officially recognize the Florida National Scenic Trail as Florida's official statewide trail from the Florida Panhandle to the Everglades. It is also the intent of the Legislature to encourage all state, regional, and local agencies who acquire lands to include in their land-buying efforts the acquisition of sufficient legal interest in the lands over which the trail passes to ensure its continued existence in a permanent location.

Section 4. Section 260.0125, Florida Statutes, is created to read:

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

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

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

2. Incur any duty of care toward a person who goes on the land; or
3. Become liable or responsible for any injury to persons or property caused by the act or omission of a person who goes on the land.

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

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

(3)(a) The provisions of subsection (1) shall not apply if there is any charge made or usually made by the landowner for entering or using the land designated as a greenway or trail, or any part thereof, or if any commercial or other activity whereby profit is derived by the landowner from the patronage of the general public is conducted on the land so designated or any part thereof.

(b) Incentives granted by any unit of government to the private landowner, including tax incentives, grants, or other financial consideration specific to the development or management of designated greenways and trails, shall not be construed as a charge for use or profit derived from patronage for purposes of this subsection and shall not be construed as monetary or material compensation for purposes of subsection (2).

(4) The provisions of subsection (1) shall also apply to adjacent land owned by the private landowner who consents to designation of a greenway or trail where such adjacent land is accessed through the land so designated.

(5)(a) When a private landowner agrees to make his or her land available for public use as a designated greenway or trail, the department or its designee shall post notices along the boundary of the designated greenway or trail which inform the public that the land adjacent to the greenway or trail is private property upon which unauthorized entry for any purpose is prohibited and constitutes trespassing.

(b) Such notices must comply with s. 810.011(5) and shall constitute a warning to unauthorized persons to remain off the private property and not to depart from the designated greenway or trail. Any person who commits such an unauthorized entry commits a trespass as provided in s. 810.09.

(6) If agreed to by the department and the landowner in the designation agreement, a landowner whose land is designated as part of the statewide system of greenways and trails pursuant to s. 260.016(2)(d) shall be indemnified for:

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

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

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

(7) This section does not relieve any person of liability that would otherwise exist for deliberate, willful, or malicious injury to persons or property. The provisions of this section shall not be deemed to create or increase the liability of any person.

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

260.013 Definitions.—As used in ss. 260.011-260.018, unless the context otherwise requires:

(1)(4) “Board” means the Board of Trustees of the Internal Improvement Trust Fund.

(2)(3) “Department” means the Department of Environmental Protection.

(3) “Designation” means the identification and inclusion of specific lands as part of the statewide system of greenways and trails pursuant to a formal public process, including the specific written consent of the landowner. When the department determines that public access is appropriate for greenways and trails, written authorization must be granted by the landowner to the department permitting public access to all or a specified part of the landowner's property. The department's determination shall be notified pursuant to s. 120.525, and the department shall also notify the landowner by certified mail at least 7 days before any public meeting regarding the intent to designate.

(4)(2) “Greenway” means a linear open space 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, a canal, a scenic road, or other route; any natural or landscaped course for pedestrian or bicycle passage; an open space connector linking parks, nature reserves, cultural features, or historic sites with each other and populated areas; or a local strip or linear park designated as a parkway or greenbelt.

(5)(4) “Trails” means linear corridors and any adjacent support parcels on land or water providing public access for recreation or authorized alternative modes of transportation.

Section 6. Section 260.014, Florida Statutes, is amended to read:

260.014 Florida Greenways and Trails System.—The Florida Greenways and Trails System shall be a statewide system of greenways and trails which shall consist of individual greenways and trails and networks of greenways and trails which may be designated as a part of the statewide system by the department. Mapping or other forms of identification of lands as suitable for

inclusion in the system of greenways and trails, mapping of ecological characteristics for any purpose, or development of information for planning purposes shall not constitute designation. No lands may be designated as a part of the statewide system of greenways and trails without the specific written consent of the landowner.

Section 7. Section 260.0141, Florida Statutes, is amended to read:

260.0141 Greenways and Trails Program.—There is established within the department the “Florida Greenways and Trails Program,” the purpose of which is to facilitate the establishment of a statewide system of greenways and trails. Such greenways and trails shall be acquired pursuant to this act. Planning materials, maps, data, and other information developed or used in the program shall not be construed as designation of lands as part of the statewide system of greenways and trails. Identification of lands in such information shall not:

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

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

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

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

Section 8. Section 260.016, Florida Statutes, is amended to read:

260.016 General powers of the department.—

(1) The department may:

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

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

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

1. Establishing a designation process.

2. Negotiating and executing agreements with private landowners.

3. Establishing prohibited activities or restrictions on activities to protect the health, safety, and welfare of the public.
4. Charging fees for use.
5. Providing public access.
6. Providing for maintenance.
7. Any matter necessary to the evaluation, selection, operation, and maintenance of greenways and trails.

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

~~(c) Adopt appropriate rules for the use of greenways and trails.~~

(d) Coordinate the activities of all governmental units and bodies and special districts that desire to participate in the development of the Florida Greenways and Trails System.

(e) Appoint an advisory body to be known as the "Florida Recreational Trails Council" which shall advise the department in the execution of its powers and duties under this chapter. The department may establish by rule the duties, structure, and responsibilities of the council. Members of the Florida Recreational Trails Council shall serve without compensation, but are entitled to be reimbursed for per diem and travel expenses as provided in s. 112.061.

(f) Establish, develop, and publicize saltwater paddling trails in a manner that will permit public recreation without damaging natural resources. The Big Bend Historic Saltwater Paddling Trail from the St. Marks River to the Suwannee River is hereby designated as part of the Florida Greenways and Trails System. Additions to this trail may be added by the department from time to time as part of a statewide saltwater circumnavigation trail.

(g) Enter into sublease agreements or other use agreements with local governmental agencies for the management of greenways and trails for recreation and conservation purposes consistent with the intent of this chapter.

(h) Enter into management agreements with other entities only if a federal agency, another state agency, local government, county, or municipality is unable to manage the greenways or trails lands. Such entities must demonstrate their capabilities of management for the purposes defined in ss. 260.011-260.018.

(i) Charge reasonable fees or rentals for the use or operation of facilities and concessions. All such fees, rentals, or other charges collected shall be deposited in the account or trust fund of the managing entity. All such fees, rentals, or other charges collected by the Division of Recreation and Parks

under this paragraph shall be deposited in the State Park Trust Fund pursuant to s. 258.014.

(2) The department shall:

(a) Evaluate lands for the acquisition of greenways and trails and compile a list of suitable corridors, greenways, and trails, ranking them in order of priority for proposed acquisition. The department shall devise a method of evaluation which includes, but is not limited to, the consideration of:

1. The importance and function of such corridors within the statewide system.

2. Potential for local sharing in the acquisition, development, operation, or maintenance of greenway and trail corridors.

3. Costs of acquisition, development, operation, and maintenance.

(b) Maintain an updated list of abandoned and to-be-abandoned railroad rights-of-way. The department shall request information on current and potential railroad abandonments from the Department of Transportation, ~~the Interstate Commerce Commission~~, and railroad companies operating within the state. At a minimum, the department shall make such requests on a quarterly basis.

(c) Provide information to public and private agencies and organizations on abandoned rail corridors which are or will be available for acquisition from the railroads or for lease for interim recreational use from the Department of Transportation. Such information shall include, at a minimum, probable costs of purchase or lease of the identified corridors.

(d) Develop and implement a process for designation of lands as a part of the statewide system of greenways and trails, which shall include:

1. Development and dissemination of criteria for designation.

2. Development and dissemination of criteria for changes in the terms or conditions of designation, including withdrawal or termination of designation. A landowner may have his or her property removed from designation by providing the department with a written request that contains an adequate description of such lands to be removed. Provisions shall be made in the designation agreement for disposition of any future improvements made to the land by the department.

3. Compilation of available information on and field verification of the characteristics of the lands as they relate to the developed criteria.

4. Public notice pursuant to s. 120.525 in all phases of the process.

5. Actual notice to the landowner by certified mail at least 7 days before any public meeting regarding the department's intent to designate.

6. Written authorization from the landowner in the form of a lease or other instrument for the designation and granting of public access, if appropriate, to a landowner's property.

7. Development of a greenway or trail-use plan as a part of the designation agreement. In any particular segment of a greenway or trail, the plan components must be compatible with connecting segments and, at a minimum, describe the types and intensities of uses of the property.

(3) The department or its designee is authorized to negotiate with potentially affected private landowners as to the terms under which such landowners would consent to the public use of their lands as part of the greenways and trails system. The department shall be authorized to agree to incentives for a private landowner who consents to this public use of his or her lands for conservation or recreational purposes, including, but not limited to, the following:

(a) Retention by the landowner of certain specific rights in his or her lands, including, but not limited to, the right to farm, hunt, graze, harvest timber, or use the lands for other purposes which are consistent with use as greenways or trails.

(b) Agreement to exchange, subject to the approval of the Board of Trustees of the Internal Improvement Trust Fund or other applicable unit of government, ownership or other rights of use of public lands for the ownership or other rights of use of privately owned property. Any exchange of state-owned lands, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, for privately owned lands shall be subject to the requirements of s. 259.041.

(c) Contracting with the landowner to provide management or other services on the lands.

(d) At the option of the landowner, acceleration of the acquisition process or higher consideration in the ranking process when any lands owned by the landowner are under consideration for acquisition by the state or other unit of government.

(e) At the option of the landowner, removal of any lands owned by the landowner from consideration for acquisition by the state or other unit of government.

(f) Execution of patrol and protection agreements.

(g) Where applicable and appropriate, providing lease fees, not to exceed fair market value of the leasehold interest.

Section 9. Section 260.018, Florida Statutes, is amended to read:

260.018 Agency recognition.—All agencies of the state, regional planning councils through their comprehensive plans, and local governments through their local comprehensive planning process pursuant to chapter 163 shall recognize the special character of publicly owned the lands and waters designated by the state as greenways and trails and shall not take any action which will impair their use as designated. Identification of lands in planning materials, maps, data, and other information developed or used in the greenways and trails program shall not be cause for such lands to be

subject to this section, unless such lands have been designated as a part of the statewide system or greenways and trails pursuant to s. 260.016(2)(d).

Section 10. The Legislature finds that Marjorie Harris Carr was the prime mobilizer and motivator in stopping the construction of and deauthorizing the Cross Florida Barge Canal and in large part brought about the creation of the Cross Florida Greenways State Recreation and Conservation Area, and that the Cross Florida Greenways State Recreation and Conservation Area is managed for recreational enjoyment and conservation of unique natural resources, community economic development, and as the focus for a statewide system of greenways and trails. The Legislature further finds that Marjorie Harris Carr should be forever enshrined in the memories of the people of Florida by the dedication of the Cross Florida Greenways State Recreation and Conservation Area in her name, in small part to commemorate the outstanding contributions of Marjorie Harris Carr to the State of Florida and to honor her tireless efforts to restore the Ocklawaha River.

Section 11. The Department of Environmental Protection shall honor Marjorie Harris Carr by the erection of a suitable memorial to her on the site of the Cross Florida Greenways State Recreation Area.

Section 12. Paragraph (f) is added to subsection (7) of section 259.041, Florida Statutes, to read:

259.041 Acquisition of state-owned lands for preservation, conservation, and recreation purposes.—

(7) Prior to approval by the board of trustees or, when applicable, the Department of Environmental Protection, of any agreement to purchase land pursuant to this chapter, chapter 260, or chapter 375, and prior to negotiations with the parcel owner to purchase any other land, title to which will vest in the board of trustees, an appraisal of the parcel shall be required as follows:

(f) The Division of State Lands may use, as its own, appraisals obtained by a public agency or nonprofit organization, provided that the appraiser is selected from the division's list of appraisers and the appraisal is reviewed and approved by the division. For the purposes of this chapter, the term "nonprofit organization" means an organization whose purposes include the preservation of natural resources and which is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code.

Section 13. Paragraph (f) of subsection (9) of section 259.101, Florida Statutes, is amended to read:

259.101 Florida Preservation 2000 Act.—

(9)

(f1. Pursuant to subsection (3) and beginning in fiscal year ~~1998-1999~~ 1999-2000, that portion of the unencumbered balances of each program described in paragraphs (3)(c), (d), (e), (f), and (g) which has been on deposit in such program's Preservation 2000 account for more than two fiscal years

shall be redistributed equally to the Department of Environmental Protection, Division of State Lands P2000 sub account for the purchase of State Lands as described in s.259.032 and Water Management District P2000 sub account for the purchase of Water Management Lands pursuant to ss. 373.59, 373.456 and 373.4592. Conservation and Recreation Lands Trust Fund and the Water Management Lands Trust Fund. For the purposes of this subsection, the term “unencumbered balances” means the portion of Preservation 2000 bond proceeds which is not obligated through the signing of a purchase contract between a public agency and a private landowner, except that the program described in paragraph (3)(c) may not lose any portion of its unencumbered funds which remain unobligated because of extraordinary circumstances that hampered the affected local governments’ abilities to close on land acquisition projects approved through the Florida Communities Trust program. Extraordinary circumstances shall be determined by the Florida Communities Trust governing body and may include such things as death or bankruptcy of the owner of property; a change in the land use designation of the property; natural disasters that affected a local government’s ability to consummate the sales contract on such property; or any other condition that the Florida Communities Trust governing board determined to be extraordinary. The portion of the funds deposited in the Water Management Lands Trust Fund shall be distributed to the water management districts as provided in s. 373.59(7).

2. The department and the water management districts may enter into joint acquisition agreements to jointly fund the purchase of lands using alternatives to fee simple techniques.

Section 14. Paragraph (b) of subsection (4) of section 372.57, Florida Statutes, is amended to read:

372.57 Licenses and permits; exemptions; fees.—No person, except as provided herein, shall take game, freshwater fish, or fur-bearing animals within this state without having first obtained a license, permit, or authorization and paid the fees hereinafter set forth, unless such license is issued without fee as provided in s. 372.561. Such license, permit, or authorization shall authorize the person to whom it is issued to take game, freshwater fish, or fur-bearing animals in accordance with law and commission rules. Such license, permit, or authorization is not transferable. Each license or permit must bear on its face in indelible ink the name of the person to whom it is issued and other information requested by the commission. Such license, permit, or authorization issued by the commission or any agent must be in the personal possession of the person to whom issued while taking game, freshwater fish, or fur-bearing animals. The failure of such person to exhibit such license, permit, or authorization to the commission or its wildlife officers, when such person is found taking game, freshwater fish, or fur-bearing animals, is a violation of law. A positive form of identification is required when using an authorization, a lifetime license, a 5-year license, or when otherwise required by the license or permit. The lifetime licenses and 5-year licenses provided herein shall be embossed with the name, date of birth, the date of issuance, and other pertinent information as deemed necessary by the commission. A certified copy of the applicant’s birth certificate shall

accompany all applications for a lifetime license for residents 12 years of age and younger.

(4) In addition to any license required by this chapter, the following permits and fees for certain hunting, fishing, and recreational uses, and the activities authorized thereby, are:

(b)1. Management area permits to hunt, fish, or otherwise use for outdoor recreational purposes, land owned, leased, or managed by the commission or the State of Florida for the use and benefit of the commission, up to \$25 annually. Permits, and fees thereof, for short-term use of land which is owned, leased, or managed by the commission may be established by rule of the commission for any activity on such lands. Such permits and fees may be in lieu of or in addition to the annual management area permit. Other than for hunting or fishing, the provisions of this paragraph shall not apply on any lands not owned by the commission, unless the commission shall have obtained the written consent of the owner or primary custodian of such lands.

2. A recreational user permit fee to hunt, fish, or otherwise use for outdoor recreational purposes, land leased by the commission from private nongovernmental owners, except for those lands located directly north of the Apalachicola National Forest, east of the Ochlockonee River until the point the river meets the dam forming Lake Talquin, and south of the closest federal highway. The fee for this permit shall be based upon economic compensation desired by the landowner, game population levels, desired hunter density, and administrative costs. The permit fee shall be set by commission rule on a per-acre basis. On property currently in the private landowner payment program, the prior year's landowner payment shall be used to augment the landowner lease fee so as to decrease the permit fee for the users of that property. The spouse and dependent children of a permittee are exempt from the permit fee when engaged in outdoor recreational activities other than hunting in the company of the permittee. Notwithstanding any other provision of this chapter, there are no other exclusions, exceptions, or exemptions from this permit fee. The landowner lease fee, less an administrative permit fee of up to \$25 per permit, shall be remitted to the landowner as provided in the lease agreement for each area.

Section 15. (1) Notwithstanding chapters 253 and 259, Florida Statutes, the Board of Trustees of the Internal Improvement Trust Fund shall under chapters 93-184 and 95-275, Laws of Florida, convey the lands located in Walton County specifically identified as the New Town, consistent with the Walton County Comprehensive Plan, to Walton County at a price not to exceed the price paid by the board for the lands plus any applicable interest, if the disposition of the land would not have the effect of causing all or any portion of the interest on any revenue bonds issued to fund the Florida Preservation 2000 Trust Act to lose their exclusion from gross income for purposes of federal income taxation. Any revenue derived from the disposal of the lands may not be used for any purpose except for deposit into the Florida Preservation 2000 Trust Fund for recredit to the share held under section 259.101(3), Florida Statutes, in which the disposed of land is described.

(2) The New Town Center shall be developed consistent with the October 31, 1996, South Walton New Town Master Plan of Development, incorporated in its entirety into the Walton County Comprehensive Plan and Land Development Code.

(3) If any lands acquired by Walton County pursuant to subsection (1) are resold to private interests, they must be sold at fair market value and the proceeds from such resale must be used exclusively for development of the New Town Center, including its infrastructure and related school facilities.

Section 16. This act shall take effect July 1 of the year in which enacted.

Became a law without the Governor's approval May 30, 1998.

Filed in Office Secretary of State May 29, 1998.