

## House Bill No. 1141

An act relating to greenways and trails; renaming ch. 260, F.S., as the “Florida Greenways and Trails Act”; amending s. 260.011, F.S.; providing a popular name; amending s. 260.012, F.S.; revising legislative intent with respect to the development and completion of the Florida National Scenic Trail; conforming cross references; amending s. 260.013, F.S.; revising and providing definitions; amending s. 260.0141, F.S.; removing provisions authorizing certain acquisitions; amending s. 260.0142, F.S.; revising the powers and duties of the Florida Greenways and Trails Council; extending the terms of certain appointees; providing for reappointment of appointees; revising eligibility requirements for appointees of the trail user community to include users of off-highway vehicles; amending s. 260.015, F.S.; removing provisions for the appraisal of certain property by the Department of Environmental Protection; conforming cross references; amending s. 260.016, F.S.; revising the general powers of the department; revising provisions relating to rules for public access to greenways and trails; conforming cross references; creating s. 260.019, F.S.; establishing the Florida Circumnavigation Saltwater Paddling Trail; providing for review, adjustment, and redesignation of the trail segments by the department; requiring the department to prepare and submit a report to the Governor and Legislature by a specified date pursuant to such review; creating s. 260.021, F.S.; providing for a partnership between various organizations and mining interests to develop recreational opportunities on mined lands; creating s. 335.067, F.S.; creating the Conserve by Bicycle Program within the Department of Transportation, providing purposes of the program, and requiring such department to conduct a Conserve by Bicycle study; amending s. 373.199, F.S.; requiring water management districts to include information about the Florida National Scenic Trail in the Florida Forever Water Management District Work Plan; amending s. 378.036, F.S.; removing provisions relating to recreational opportunities on mined lands; amending s. 380.507, F.S.; revising the powers of the Florida Communities Trust with respect to the Florida National Scenic Trail; amending s. 110.501, F.S.; conforming a cross reference; providing an effective date.

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

Section 1. Chapter 260, Florida Statutes, entitled “Recreational Trails System,” is renamed the “Florida Greenways and Trails Act.”

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

260.011 Popular name ~~Short title.~~—~~This chapter Sections 260.011-260.018 shall be known and may be cited as the “Florida Greenways and Trails Act.”~~

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

## 260.012 Declaration of policy and legislative intent.—

(1) In order to recognize the benefits 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 this chapter 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 and 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 this chapter 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, equestrian activities horseback riding, hiking, bicycling, canoeing, jogging, and historical and archaeological 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 and waterways 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 nongovernmental organizations 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; 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.

(5) The planning, development, operation, and maintenance of the Florida Greenways and Trails System authorized by this chapter ss. 260.011-260.018 is declared to be a public purpose, and the Department of Environmental Protection, together with other 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.

(6) It is the intent of the Legislature to officially recognize the Florida National Scenic Trail as Florida’s official statewide nonmotorized trail from the Florida Panhandle to the Everglades and the Florida Keys, an approximate length of more than 1,400 miles. The Legislature recognizes the major contributions made in furtherance of the establishment of the Florida National Scenic Trail by the United States Government, including significant

funding, and the efforts of private landowners, state government, and not-for-profit entities such as the Florida Trail Association. The Legislature also recognizes the significant economic benefit of nature-based recreation and the contributions to the state's economy that arise from the creation and completion of the trail. In order to further its commitment to the residents of this state and the United States Government to complete the establishment of the trail in a permanent location, it is further also the intent of the Legislature to:

(a) Encourage all state, regional, and local agencies that ~~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.

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

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

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

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

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

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

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

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

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

(3) "Designation" means the identification and inclusion of specific lands and waterways 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 noticed 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) "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) "Office" means the Office of Greenways and Trails within the Department of Environmental Protection.

~~(6)~~(5) "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 5. 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 6. Section 260.0142, Florida Statutes, is amended to read:

260.0142 Florida Greenways and Trails Council; composition; powers and duties.—

(1) There is ~~hereby~~ created within the department of ~~Environmental Protection~~ the Florida Greenways and Trails Council which shall advise the

department in the execution of the department's powers and duties under this chapter. The council shall be composed of 21 members, consisting of:

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

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

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

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

(d) The 10 remaining members shall include:

1. The Secretary of Environmental Protection or a designee.;
2. The executive director of the Fish and Wildlife Conservation Commission or a designee.;
3. The Secretary of Community Affairs or a designee.;
4. The Secretary of Transportation or a designee.;
5. The Director of the Division of Forestry of the Department of Agriculture and Consumer Services or a designee.;
6. The director of the Division of Historical Resources of the Department of State or a designee.;
7. A representative of the water management districts ~~who shall serve for 1 year~~. Membership on the council shall rotate among the five districts. The districts shall determine the order of rotation.;
8. A representative of a federal land management agency. The Secretary of Environmental Protection shall identify the appropriate federal agency

and request designation of a representative from the agency to serve on the council.;

9. A representative of the regional planning councils to be appointed by the Secretary of Environmental Protection, in consultation with the Secretary of Community Affairs. Membership on the council shall rotate among the seven regional planning councils. The regional planning councils shall determine the order of rotation, for a single 2-year term. The representative shall not be selected from the same regional planning council for successive terms; and

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

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

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

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

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

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

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

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

~~(c)(e)~~ Review recommendations of the office applications for acquisition funding under the Florida Greenways and Trails Program and recommend

to the Secretary of Environmental Protection which projects should be acquired.;

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

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

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

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

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

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

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

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

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

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

~~(i)(p) Support the Florida Greenways and Trails System through inter-governmental coordination, budget recommendations, advocacy, education, and in any other appropriate way.~~

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

(6) A vacancy on the council shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Members

whose terms have expired may continue to serve until replaced or reappointed. ~~No member shall serve on the council for more than two consecutive terms.~~

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

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

260.015 Acquisition of land.—

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

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

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

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

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

Section 8. Subsection (1) and paragraph (a) of subsection (2) of section 260.016, Florida Statutes, are 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.

~~(b)~~<sup>(e)</sup> Adopt appropriate rules to implement or interpret this ~~chapter~~ <sup>act</sup> 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 to the greatest extent possible while avoiding unnecessary impact upon sensitive environments such as wetlands or animal habitats, wherever encountered.
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)~~<sup>(d)</sup> Coordinate the activities of all governmental units and bodies and special districts that desire to participate in the development and implementation of the Florida Greenways and Trails System.

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

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

~~(f)~~<sup>(g)</sup> 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.

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

(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 the importance and function of such corridors within the statewide system as reflected on the opportunity maps and landowners' willingness to negotiate.

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

260.019 Florida Circumnavigation Saltwater Paddling Trail.—

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

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

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

(a) Segment 1: Pensacola/Fort Pickens.

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

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

260.021 Recreational opportunities on mined lands.—The Florida Wildlife Federation, Audubon Florida, and Rails-to-Trails Conservancy, in partnership with the phosphate industry and other mining companies, are encouraged to continue the operation of the nonprofit corporation, Florida

Mining-Recreation, Inc., for the purpose of working with industry, government, and private landowners to create plans and assist in the development of recreational opportunities on mined lands in the state. These opportunities should include walking, hiking, use of off-highway vehicles, canoeing, bicycling, equestrian activities, wildlife viewing, and other trail areas along with developing fishing and hunting lands. The board of directors of the corporation is encouraged to be composed of a member, or members, from the companies mining in the state; a member, or members, chosen by the Florida Wildlife Federation, Audubon Florida, and Rails-to-Trails Conservancy; and other members chosen by agreement of the partners.

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

335.067 Conserve by Bicycle Program.—There is created within the Department of Transportation the Conserve by Bicycle Program.

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

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

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

(c) Reduce traffic congestion on existing roads.

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

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

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

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

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

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

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

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

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

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

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

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

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

373.199 Florida Forever Water Management District Work Plan.—

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

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

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

378.036 Land acquisitions financed by Nonmandatory Land Reclamation Trust Fund moneys.—

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

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

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

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

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

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

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

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

Section 15. 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 chapter 260 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 16. This act shall take effect upon becoming a law.

Approved by the Governor May 26, 2005.

Filed in Office Secretary of State May 26, 2005.