

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 2336

SPONSOR: Natural Resources Committee and Senator Sullivan

SUBJECT: Greenways and Trails

DATE: April 5, 1999 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gee	Voigt	NR	Favorable/CS
2.			FP	
3.				
4.				
5.				

## I. Summary:

This bill creates the Florida Greenways and Trails Council within the Department of Environmental Protection (DEP) and provides for its membership and duties. The bill repeals the Florida Greenways Coordinating Council and the Florida Recreational Trails Council, expands a horse park, and revises provisions relating to the Greenways and Trails System.

This bill creates s. 260.0142, F.S., amends ss. 253.7825, 260.012, 260.013, 260.014, 260.016, 260.018 and 288.1224, F.S., and repeals s. 253.787, F.S.

## II. Present Situation:

Chapter 260, F.S., establishes the Florida Greenways and Trails System to provide the means and procedures for establishing a statewide system of greenways and trails for recreation and conservation. It is intended 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. Current law does not specifically authorize waterways to be included in the statewide system.

In 1987, the Legislature created the Rails-to-Trails Program in order to acquire additions to the Florida National Scenic Trail and abandoned railroad rights-of-way for recreational purposes. In 1996, the Legislature expanded the Rails-to-Trails program to include the acquisition of greenways and renamed the program the "Florida Greenways and Trails Program," allowing the department to acquire greenways, trails and abandoned railroad rights-of-ways. The greenways and trails program receives funding from the Preservation 2000 Program (P-2000). Under P-2000, the greenways and trails program receives 1.3% of the \$300 million annual appropriation, or \$3.9 million.

Among other powers, the DEP has the authority to publish and distribute maps, establish access routes and related public use facilities, and adopt appropriate rules for the use of the greenways and trails. The department is also authorized to collect fees or rental fees for the operation and concessions of any facilities. In addition, the department is responsible for obtaining information from the Department of Transportation (DOT) regarding potential railroad abandonments and evaluate all lands in order to rank them in priority for proposed acquisitions.

Pursuant to s. 260.016(1)(e), F.S., the DEP is authorized to appoint the Florida Recreational Trails Council (FRTC) to advise the department in implementing ch. 260, F.S. The council also assists in selecting acquisition projects and establishing minimum standards for the recreational trails in Florida. Currently, this Council is composed of 14 members who represent various user-groups, including: hiking, jogging, bicycling and paddling. The members are to serve 2-year terms, with no term limits imposed. Each member serves as a volunteer and is reimbursed for travel expenses and per diem.

Pursuant to s. 253.787, F.S., the Florida Greenways Coordinating Council (FGCC) is created within the DEP to promote greenways initiatives throughout the state with technical support, leadership, education, advocacy, and other service-related efforts. The council is funded through the DEP's budget and has 26 members who serve 4-year terms. The council must prepare a report to the Governor and the Legislature by July 1, 1999 making specific recommendations for action necessary to manage the state's greenways system. Members serve without compensation, but are reimbursed for travel expenses and per diem.

When the Legislature created the Cross Florida Greenways State Recreation and Conservation Area pursuant to ch. 93.213, L.O.F., it authorized a horse park - agricultural center to be constructed on former barge canal lands. The size of the facility was limited to not more than 250 acres.

### **III. Effect of Proposed Changes:**

Section 1. Section 253.7825, F.S., is amended to increase the size of the horse park - agricultural center located on former Cross-Florida Barge Canal lands from not more than 250 acres to not more than 500 acres and delete a requirement that the acreage be lands meeting the criteria for surplus lands and lie outside the boundary of the Cross-Florida Greenway.

Section 2. Section 253.787, F.S., creating the FGCC, is repealed.

Section 3. Section 260.012, F.S., 1998 Supplement, is amended to provide that waterways are to be included in the statewide system of greenways and trails, that greenways and trails may be located on public waterways, and that designated greenways and trails on public waterways may or may not provide public access. The section also provides intent that information produced for identifying waterways suitable for greenways and trails be used only for the creation and management of waterways to be used as greenways and trails.

Section 4. Section 260.013, F.S., 1998 Supplement, is amended to provide that waterways may be designated for inclusion as part of the statewide system of greenways and trails.

Section 5. Section 260.014, F.S., 1998 Supplement, is amended to provide that mapping or other forms of identifying waterways as suitable for inclusion in the statewide system of greenways and trails does not constitute designation as a greenway or trail and that no waterways may be designated without the written consent of the landowner.

Section 6. Section 260.0142, F. S., is created to establish the Florida Greenways and Trails Council (council) within the DEP, to advise the department in the execution of its powers and duties under ch. 260, F.S. The DEP will provide necessary staff assistance to the council.

The council is authorized to contract for and to accept gifts, grants, loans, or other aid from the United States Government or any person or corporation.

The duties of the council include, but are not limited to:

- Advising the DEP; the Department of Community Affairs (DCA); the Department of Transportation (DOT); the Fish and Wildlife Conservation Commission (FWCC); the Department of Agriculture and Consumer Services, Division of Forestry (DOF); the water management districts (WMDs); and the regional planning councils (RPCs) on policies related to the Florida Greenways and Trails System and promoting intergovernmental cooperation;
- Facilitating 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;
- Facilitating a statewide system of interconnected land-based trails that connect urban, suburban, and rural areas of the state and facilitating expansion of the statewide system of freshwater and saltwater paddling trails;
- Recommending priorities for critical links in the Florida Greenways and Trails System;
- Reviewing applications for acquisition funding under the Greenways and Trails program and recommending to the Secretary of the DEP which projects should be acquired;
- Providing funding recommendations to agencies and organizations regarding the acquisition, development, and management of greenways and trails, including the promotion of private landowner incentives;
- Reviewing designation proposals for inclusion in the Florida Greenways and Trails System;
- Providing advocacy and education to benefit the statewide system of greenways and trails by encouraging communication and conferencing;
- Encouraging public/private partnerships to develop and manage greenways and trails;
- Reviewing progress toward meeting established benchmarks and recommending appropriate action;

- Making recommendations for updating and revising the implementation plan for the Florida Greenways and Trails System;
- Advising the Land Acquisition and Management Advisory Council (LAMAC) or its successor to ensure the incorporation of trails in land management plans on lands managed by the DEP; the FWCC; the Department of State, Division of Historical Resources (DHR); and the DOF;
- Providing advice and assistance to the DOT and the WMDs regarding the incorporation of greenways and trails into their planning efforts;
- Encouraging land use, environmental, and coordinated linear infrastructure planning to facilitate the implementation of local, regional, and statewide greenways and trails systems;
- Promoting greenways and trails support organizations; and
- Supporting the Florida Greenways and Trails System in any other appropriate way.

The council is to be composed of 21 members, consisting of:

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 will serve 2-year terms and three will serve 1-year terms. Subsequent appointments will be for 2-year terms.

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.

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 made by the President of the Senate and Speaker of the House of Representatives, two will be appointed for 2-year terms and one will be appointed for a 1-year term. Subsequent appointments will be for terms of 2 years.

Those eligible to represent the trail user community shall be chosen from, but not be limited to, paved trail users, hikers, off-road bicyclists, 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 or university experts.

The ten remaining members shall include:

- The Secretary of the DEP or a designee;
- The executive director of the FWCC or a designee;

- The Secretary of the DCA or a designee;
- The Secretary of the DOT or a designee;
- The Director of the DOF or a designee;
- The Director of the DHR or a designee;
- A representative of the WMDs who will serve for 1 year. Membership on the council will rotate among the five districts. The districts will determine the order of rotation;
- A representative of a federal land management agency. The Secretary of the DEP will identify the appropriate federal agency and request designation of a representative from the agency to serve on the council;
- A representative of the RPCs to be appointed by the Secretary of the DEP, in consultation with the Secretary of the DCA, for a single 2-year term. The representative cannot be selected from the same regional planning council for successive terms; and
- A representative of local governments to be appointed by the Secretary of the DEP, in consultation with the Secretary of the DCA, for a single 2-year term. Membership shall alternate between a county representative and a municipal representative.

The council shall determine its chair through its operating procedures, and will meet at the call of the chair, or at such times as may be prescribed by its operating procedures. The council is authorized to establish committees to conduct its work; the committees may include non-members as appropriate.

A vacancy on the council will 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 may serve on the council for more than two consecutive terms.

Members of the council will not receive any compensation for their services but will be reimbursed for travel and expenses incurred in the performance of their duties, as provided in s. 112.061, F.S.

Section 7. Section 260.016, F.S., 1998 Supplement, is amended to repeal the DEP's authority to appoint the Florida Recreational Trails Council and authorize the DEP to coordinate the implementation of the Greenways and Trails System. Other revisions delete a requirement that the DEP request information on current and potential railroad abandonments from the DOT and railroad companies operating within the state and provide public information regarding the probable costs of purchasing or leasing the corridors, permit public recreation on greenways and trails only when appropriate, authorize management agreements with other governmental agencies, and delete a requirement that fees, rentals, or other charges collected for the use of

greenways or trails by the Division of Recreation and Parks be deposited into the State Park Trust Fund.

This section also directs the DEP to develop and implement a process for designating waterways as part of the statewide system, compile information on the characteristics of waterways as they relate to criteria for designation, and implement the plan for the Florida Greenways and Trails System as adopted by the Florida Greenways Coordinating Council on September 11, 1998.

Section 8. Section 260.018, F.S., 1998 Supplement, requires that local comprehensive planning recognize the special character of public greenways and trails and avoid actions that would impair their use as designated. The section is amended to provide that the identification of waterways in planning materials, maps, or other information used in the greenways and trails program shall not cause the waterway to be subject to the section unless the waterway has been designated as a part of the statewide system.

Section 9. Section 288.1244, F.S., is amended to conform references to members of an advisory committee to current law.

Section 10. The following trails located upon or within public lands or waterways and designated prior to May 30, 1998, are not subject to the designation process established in chapter 260, F. S., 1998 Supplement: 36 canoe trails designated by the Governor and Cabinet in 1970 and redesignated by the Governor and Cabinet on December 8, 1981; the Historic Big Bend Saltwater Paddling Trail; Hillsborough River State Recreational Canoe Trail; and trails located within state parks and forests.

Section 11. This 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 DEP reports that \$30,552 was expended during the last fiscal year for per diem and travel reimbursement for the 40 members comprising the FRTC and the FGCC. As the new council will have only 21 members, there should be savings in reduced travel and per diem expenditures. Total expenditures for staff support and other administrative expenses of approximately \$70,000 will likely remain the same.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.