

1987

## Session Law 87-328

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Sess. Law # 87-233	Sec. #	LOF cite I, P 2, 2231-2236
Prime Bill # SB 778	Comp./Sim. Bills HS 1455	
JLMC Hist. Cites	Senate House	Comms. of Ref. Senate House

COMMITTEE RECORDS

H/S	Committee	Year	Record Series: Folder title, etc.	Loc. Cite	✓
S	NAFAS	87	SB 778 (2/20/87) 5	12/1/87	
			1. =	12/16/87	
S	TRANSP.	87	15/SB 113 (5/1-15) TR 1 + 2 P. 17	18/1/85	
			1. =	12/1/87	
H	NAFAS	87	HB 1155 (11/16)	14/1/85	
H	APPAS	87	HS 1255 (5/20/87) 5 (1/22/87)	17/5/85	
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Senate/House Journals

Page #	?	Date	Page #	?	Date
57 513		6/5/87			

Committee/Floor Tapes

H/S	c/f	Committee/subcommittee name	Date	#	Location Cite

Other Documentation

Record Series Title, folder title, etc.	Location Cite



# FLORIDA LEGISLATURE

## *History of Legislation* *1987 Regular Session* *1987 Special Session A*

RE: CHAPTER 87-328

CS/SB 778 (Passed)  
CS/HB 1455 (Similar)



prepared by:

***Joint Legislative Management Committee***

Legislative Information Division  
Capitol Building, Room 826 — 488-4371

HISTORY OF SENATE BILLS

S 770 (CONTINUED)

06/03/87 SENATE Placed on Consent Calendar -SJ 628, Iden /Sim House Bill substituted -SJ 663, Laid on Table under Rule, Iden /Sim / Compare Bill passed, refer to CS/HB 798 (Ch 87-201) -SJ 664

S 771 GENERAL BILL by Meek and others (Identical H 588, Compare ENG/H 1409, CS/S 1289)

Child Abuse/Employment Exemptions, (THIS BILL COMBINED IN CS/S1289,771,84) authorizes exemptions to persons convicted of certain felonies from disqualification from certain employment as state employee, caretaker, mental health employee, alcohol treatment resource employee, drug abuse treatment resource employee, or certain child care facilities, provides that a pardon shall not have effect of removing disqualification under certain circumstances Amends F S Effective Date 10/01/87

04/08/87 SENATE Filed  
 04/15/87 SENATE Introduced, referred to Health and Rehabilitative Services, Personnel, Retirement and Collective Bargaining -SJ 83  
 04/20/87 SENATE Extension of time granted Committee Health and Rehabilitative Services  
 05/01/87 SENATE Extension of time granted Committee Health and Rehabilitative Services  
 05/14/87 SENATE On Committee agenda—Health and Rehabilitative Services, 05/19/87, 2 00 pm, Room-A, Extension of time granted Committee Health and Rehabilitative Services  
 05/19/87 SENATE CS combines this bill and 1289 & 84, Comm Report CS by Health and Rehabilitative Services -SJ 388  
 05/25/87 SENATE Original bill laid on Table under Rule, refer to combined CS/ SB 1289 (Laid on Table), refer to HB 1409 (Ch 87-238) -SJ 392

S 772 GENERAL BILL by Lehtinen (Identical H 1080, Similar CS/ENG/H 945, CS/S 833)

RICO Liens/State Attorneys, authorizes counties & municipalities to pay assistant state attorney's salary in specified circumstances, authorizes Statewide Prosecution Office or state attorney to apply for RICO lien, provides that, once RICO lien is filed, it constitutes notice of unlawful activity for purposes of subsequent proceedings, includes Statewide Prosecution Office as "investigative agency" for purpose of civil investigative subpoenas Amends 27 34, 895 05, 06 Effective Date 10/01/87

04/08/87 SENATE Filed  
 04/15/87 SENATE Introduced, referred to Judiciary-Criminal, Judiciary-Civil, Appropriations -SJ 83  
 04/17/87 SENATE Extension of time granted Committee Judiciary-Criminal  
 05/15/87 SENATE Extension of time granted Committee Judiciary-Criminal  
 05/29/87 SENATE Extension of time granted Committee Judiciary-Criminal  
 06/06/87 SENATE Died in Committee on Judiciary-Criminal, Iden /Sim / Compare bill passed, refer to CS/HB 945 (Ch 87-139)

S 773 GENERAL BILL by Lehtinen (Similar CS/H 433)

Firearms/Use While Intoxicated, prohibits use of firearm while intoxicated or impaired, provides penalties, provides tests to determine intoxication or impairment, provides for right to refuse, authorizes use of blood tests in cases of death or serious bodily injury; provides for certain presumptions of impairment, etc Creates 790 151, 153, 155, 157 Effective Date 10/01/87

04/08/87 SENATE Filed  
 04/15/87 SENATE Introduced, referred to Judiciary-Criminal -SJ 84  
 04/17/87 SENATE Extension of time granted Committee Judiciary-Criminal  
 05/15/87 SENATE Extension of time granted Committee Judiciary-Criminal  
 05/29/87 SENATE Extension of time granted Committee Judiciary-Criminal  
 06/06/87 SENATE Died in Committee on Judiciary-Criminal

S 774 GENERAL BILL/CS by Economic, Community and Consumer Affairs; Grizzle (Identical CS/H 114)

Contractors/Bonds, provides that municipality or county may require a bond for contractor or electrical contractor Amends 489 131, 537 Effective Date Upon becoming law

04/08/87 SENATE Filed  
 04/15/87 SENATE Introduced, referred to Economic, Community and Consumer Affairs -SJ 84  
 04/29/87 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs  
 05/07/87 SENATE Extension of time granted Committee Economic, Community and Consumer Affairs  
 05/14/87 SENATE On Committee agenda—Economic, Community and Consumer Affairs, 05/18/87, 2 00 pm, Room-H  
 05/18/87 SENATE Comm Report CS by Economic, Community and Consumer Affairs, placed on Calendar -SJ 366  
 05/21/87 SENATE CS read first time -SJ 367  
 06/03/87 SENATE Placed on Consent Calendar -SJ 628, Iden /Sim House Bill substituted, Laid on Table under Rule, Iden /Sim / Compare Bill passed, refer to CS/HB 114 (Ch 87-152) -SJ 661

S 775 GENERAL BILL by Maichon (Identical H 632)

Health Care Responsibility Act, redefines term "certified indigent patient", revises language re county's financial responsibility for each of its resident certified indigent patients; repeals provision re admission of indigent patients Amends

S 775 (CONTINUED)

154 304, 306, repeals 154 316 Effective Date 10/01/87  
 04/08/87 SENATE Filed  
 04/15/87 SENATE Introduced, referred to Health and Rehabilitative Services, Economic, Community and Consumer Affairs; Appropriations -SJ 84  
 04/20/87 SENATE Extension of time granted Committee Health and Rehabilitative Services  
 05/01/87 SENATE Extension of time granted Committee Health and Rehabilitative Services  
 05/14/87 SENATE Extension of time granted Committee Health and Rehabilitative Services  
 05/29/87 SENATE Extension of time granted Committee Health and Rehabilitative Services  
 06/06/87 SENATE Died in Committee on Health and Rehabilitative Services

S 776 GENERAL BILL by Jenne

Accessories After Fact/Relatives, provides that specified relatives of a principal or accessory before fact of crime have affirmative defense to charge of maintaining or assisting such principal or accessory. Amends 777 03 Effective Date 10/01/87  
 04/08/87 SENATE Filed  
 04/15/87 SENATE Introduced, referred to Judiciary-Criminal -SJ 84  
 04/17/87 SENATE Extension of time granted Committee Judiciary-Criminal  
 05/07/87 SENATE On Committee agenda—Judiciary-Criminal, 05/11/87, 9 00 am, Room-C  
 05/11/87 SENATE Comm Report Favorable by Judiciary-Criminal, placed on Calendar -SJ 272  
 05/28/87 SENATE Placed on Special Order Calendar -SJ 452, Passed, YEAS 37 NAYS 0 -SJ 485  
 05/29/87 HOUSE In Messages  
 06/06/87 HOUSE Died in Messages

S 777 GENERAL BILL/CS/ENG by Appropriations; Deratany (Similar ENG/H 1250, Compare H 107, H 359, CS/H 462, H 544, CS/CS/ENG/H 761, H 794, H 870, H 976, H 979, H 980, H 1101, H 1105, CS/ENG/H 1506, CS/ENG/S 143, S 262, ENG/S 355, S 473, S 669, S 677, S 863, S 919, S 1004, S 1023, S 1101)

Sales Tax Levy & Exemptions/Services, provides for tax on sale & use of services, provides exemptions, provides real property lease or rental exemption, reenacts provisions re medical exemptions, removes deduction allowed flyable aircraft manufacturers, provides for deposit of certain funds in Local Govt. Infrastructure T F, provides penalties for certain tax crimes, provides for freezing certain assets, directs D O R to establish sales tax hot-line, etc Amends F S Appropriation: \$2,100,000 Effective Date 07/01/87 except as otherwise provided.

04/07/87 SENATE Filed, Introduced, referred to Finance, Taxation and Claims, Appropriations -SJ 59; On Committee agenda—Finance, Taxation and Claims, 04/09/87, 9 00 am, Room-A  
 04/09/87 SENATE Comm Report Favorable with 2 amendment(s) by Finance, Taxation and Claims -SJ 68  
 04/10/87 SENATE Now in Appropriations -SJ 68, On Committee agenda—Appropriations, 04/13/86, 2 00 pm, Room-A  
 04/13/87 SENATE Comm Report CS by Appropriations, placed on Calendar -SJ 80  
 04/15/87 SENATE CS read first time -SJ 122 & -SJ 86, Placed on Special Order Calendar -SJ 79, Amendments failed, Amendments adopted -SJ 89 -SJ 111, CS passed as amended, YEAS 28 NAYS 12 -SJ 111, Immediately certified -SJ 111  
 04/16/87 HOUSE In Messages, Received, placed on Calendar -HJ 140, Taken up in lieu of HB 1250 -HJ 170, Read second time, Amendments adopted, Read third time, CS passed as amended, YEAS 84 NAYS 35 -HJ 171, Immediately certified -HJ 171  
 04/16/87 SENATE In Messages, Refused to concur, requests House recede/appoint Conference Comm., Conference Committee appointed Sen Deratany, Scott, Jennings, Crawford, Barron, Gordon & Brown, Alt Kiser, Weinstock & Margolis -SJ 121 & -SJ 131  
 04/16/87 HOUSE In Messages, Refused to recede -HJ 172, Conference Committee appointed, Rep. Gardner, Bell, Carpenter, Burke, Silver, Renke & Drage, Alt Ogden, Langton & Holland -HJ 172  
 04/16/87 SENATE In Messages  
 04/23/87 SENATE Conference Committee Report received -SJ 159, Conference Committee Report adopted, Passed as amended by Conference Committee Report, YEAS 24 NAYS 14 -Sj 192  
 04/23/87 HOUSE In Messages, Conference Committee Report received -HJ 232, Conference Committee Report adopted, Passed as amended by Conference Committee Report, YEAS 83 NAYS 31 -HJ 265, Immediately certified -HJ 265  
 04/23/87 Ordered engrossed, then enrolled -SJ 193, Signed by Officers and presented to Governor -SJ 193, Approved by Governor, Chapter No 87-6, amended by CS/HB 1506 (Ch 87-101) & CS/SB 143 (Ch 87-72) -SJ 217

S 778 GENERAL BILL/CS/ENG by Natural Resources and Conservation; Kirkpatrick (Similar CS/H 1455)

(CONTINUED ON NEXT PAGE)

## HISTORY OF SENATE BILLS

## S 776 (CONTINUED)

Florida Rails to Trails Program, establishes said program, prescribes powers of D.N.R. to certain land acquisition, authorizes TITF Board to accept title to abandoned railroad rights-of-way, as specified, provides for appointment of Florida Recreational Trails Council, provides for duties of DOT & for coordination between that dept & D.N.R., etc Amends 260 012, 013, 015, 016, 375 251; creates 260 0141, 0161 Effective Date 07/10/87

04/08/87 SENATE Filed

04/15/87 SENATE Introduced, referred to Natural Resources and Conservation, Transportation, Appropriations -SJ 84

04/17/87 SENATE Extension of time granted Committee Natural Resources and Conservation

04/27/87 SENATE On Committee agenda—Natural Resources and Conservation, 04/29/87, 9 00 am, Room-H

04/29/87 SENATE Comm Report. CS by Natural Resources and Conservation -SJ 255

05/01/87 SENATE CS read first time -SJ 259; Now in Transportation -SJ 255

05/05/87 SENATE On Committee agenda—Transportation, 05/07/87, 2 00 pm, Room-C

05/07/87 SENATE Comm. Report Favorable with 2 amendment(s) by Transportation -SJ 271

05/08/87 SENATE Now in Appropriations -SJ 271

05/21/87 SENATE Extension of time granted Committee Appropriations

06/02/87 SENATE Withdrawn from Appropriations -SJ 613; Placed on Calendar

06/05/87 SENATE Placed on Special Order Calendar -SJ 787 & -SJ 848, CS passed as amended, YEAS 34 NAYS 0 -SJ 853

06/05/87 HOUSE In Messages, Received, placed on Calendar -HJ 1398; Read second time, Read third time, CS passed, YEAS 111 NAYS 1 -HJ 1398

06/05/87 Ordered enrolled -SJ 1130

06/25/87 Signed by Officers and presented to Governor

07/10/87 Approved by Governor, Chapter No 87-328

## S 779 GENERAL BILL by Grizzle and others (Identical H 1168, Compare CS/S 563)

Geophysical Testing Activities, provides exemption from D.E.R. permit requirements for such activities when conducted under permit issued by D.N.R. Creates 403 267 Effective Date. Upon becoming law.

04/08/87 SENATE Filed

04/15/87 SENATE Introduced, referred to Natural Resources and Conservation -SJ 84

04/17/87 SENATE Extension of time granted Committee Natural Resources and Conservation

04/20/87 SENATE On Committee agenda—Natural Resources and Conservation, 04/22/87, 2 00 pm, Room-H

04/22/87 SENATE Comm. Report Favorable by Natural Resources and Conservation, placed on Calendar -SJ 141

06/06/87 SENATE Died on Calendar

## S 780 GENERAL BILL by Johnson

DUI/Blood Alcohol Test Results, provides that results of blood alcohol tests may be established through certain records & reports without necessity of in-court testimony, specifies discovery & subpoena rights of defendants Amends 316 1932 Effective Date Upon becoming law

04/08/87 SENATE Filed

04/15/87 SENATE Introduced, referred to Judiciary-Criminal, Judiciary-Civil -SJ 84

04/17/87 SENATE Extension of time granted Committee Judiciary-Criminal

05/15/87 SENATE Extension of time granted Committee Judiciary-Criminal

05/29/87 SENATE Extension of time granted Committee Judiciary-Criminal

06/06/87 SENATE Died in Committee on Judiciary-Criminal

## S 781 GENERAL BILL by Hair (Identical H 785, Compare CS/H 262)

Aliens/Felony Records, requires clerks of courts to furnish without charge certified copies of court records of aliens convicted of felonies, to appropriate federal immigration officers upon official request Creates 943 0535 Effective Date 10/01/87

04/08/87 SENATE Filed

04/15/87 SENATE Introduced, referred to Judiciary-Civil -SJ 84

04/22/87 SENATE Extension of time granted Committee Judiciary-Civil

05/01/87 SENATE Extension of time granted Committee Judiciary-Civil

05/15/87 SENATE Extension of time granted Committee Judiciary-Civil

05/22/87 SENATE On Committee agenda—Judiciary-Civil, 05/26/87, 9 00 am, Room-B

05/26/87 SENATE Comm Report. Favorable by Judiciary-Civil, placed on Calendar -SJ 417

06/03/87 SENATE Placed on Consent Calendar -SJ 628, Passed, YEAS 32 NAYS 0 -SJ 661

06/03/87 HOUSE In Messages

06/06/87 HOUSE Died in Messages

## S 782 GENERAL BILL by Kirkpatrick and others (Similar H 799, Compare ENG/H 886, CS/ENG/S 727)

Superconducting Super Collider, requires Commerce Dept to develop siting application, authorizes certain intergovernmental agreements, authorizes transfer of certain land title, provides for Federal Government responsibility for public safety, requires D.E.R., Community Affairs Dept & DOT to develop legislative

## S 782 (CONTINUED)

proposals Appropriation \$1,600,000 Effective Date Upon becoming law

04/08/87 SENATE Filed

04/15/87 SENATE Introduced, referred to Commerce, Natural Resources and Conservation, Appropriations -SJ 84

04/29/87 SENATE Extension of time granted Committee Commerce

05/13/87 SENATE Extension of time granted Committee Commerce

05/29/87 SENATE Extension of time granted Committee Commerce

06/06/87 SENATE Died in Committee on Commerce, Iden /Sim /Compare bill passed, refer to HB 686 (Ch 87-3)

## S 783 GENERAL BILL/CS by Education; Johnson (Similar CS/ENG/H 1237, Compare H 175, H 450, CS/ENG/S 115, CS/S 276, CS/ENG/S 799, S 1294)

Student Dropouts/Assistance, revises definition of "dropout", requires each school district to implement plan for providing student services, expands guidance services & provides duties of counselors, requires provisions for assisting students to achieve required grade point average, provides for award of certificate of completion when grade point requirements are not met, etc Amends 228 041, 230 2313, 232 245, 246, 301, creates 232 2463. Effective Date Upon becoming law except sec 7 shall take effect 09/01/89

04/08/87 SENATE Filed

04/15/87 SENATE Introduced, referred to Education, Appropriations -SJ 84

04/17/87 SENATE Extension of time granted Committee Education

04/27/87 SENATE On Committee agenda—Education, 04/29/87, 9 00 am, Room-A

04/29/87 SENATE Comm Report. CS by Education -SJ 254

05/01/87 SENATE CS read first time -SJ 259, Now in Appropriations -SJ 255

05/06/87 SENATE Extension of time granted Committee Appropriations

05/21/87 SENATE Extension of time granted Committee Appropriations

06/06/87 SENATE Died in Committee on Appropriations, Iden /Sim./ Compare bill passed, refer to CS/SB 799 (Ch 87-329)

## S 784 GENERAL BILL by Grizzle (Identical H 764)

Surface Waters/Drainage Ditches, provides exemption from provisions which require permit for dredging or filling in surface waters for maintenance of man-made drainage ditches by county or municipality under certain conditions Amends 403 913 Effective Date Upon becoming law

04/08/87 SENATE Filed

04/15/87 SENATE Introduced, referred to Natural Resources and Conservation -SJ 84

04/17/87 SENATE Extension of time granted Committee Natural Resources and Conservation

05/01/87 SENATE Extension of time granted Committee Natural Resources and Conservation

05/15/87 SENATE Extension of time granted Committee Natural Resources and Conservation

05/29/87 SENATE Extension of time granted Committee Natural Resources and Conservation

06/06/87 SENATE Died in Committee on Natural Resources and Conservation

## S 785 GENERAL BILL by Grizzle (Similar CS/H 774, Compare ENG/S 330)

Phyllis P. Marshall Center, directs Board of Regents to name special events center at University of South Florida the "Phyllis P. Marshall Center", provides for erection of suitable identification Effective Date Upon becoming law

04/08/87 SENATE Filed

04/15/87 SENATE Introduced, referred to Education -SJ 84

04/17/87 SENATE Extension of time granted Committee Education

05/01/87 SENATE Extension of time granted Committee Education

05/15/87 SENATE Extension of time granted Committee Education

05/29/87 SENATE Extension of time granted Committee Education

06/06/87 SENATE Died in Committee on Education, Iden /Sim /Compare bill passed, refer to SB 330 (Ch 87-415)

## S 786 GENERAL BILL by Grizzle (Identical H 883)

Exceptional Students/Funding, amends provision re Florida Education Finance Program, revises provisions re funding for certain exceptional students, provides for implementation for 1988-1989 school year & years thereafter Amends 236 081 Effective Date 07/01/86

04/08/87 SENATE Filed

04/15/87 SENATE Introduced, referred to Education, Appropriations -SJ 84

04/17/87 SENATE Extension of time granted Committee Education

05/01/87 SENATE Extension of time granted Committee Education

05/08/87 SENATE On Committee agenda—Education, 05/12/87, 2 00 pm, Room-A

05/12/87 SENATE Comm Report Favorable by Education -SJ 293

05/13/87 SENATE Now in Appropriations -SJ 293

05/21/87 SENATE Extension of time granted Committee Appropriations

06/06/87 SENATE Died in Committee on Appropriations

## S 787 GENERAL BILL/CS/ENG by Health and Rehabilitative Services, Grizzle (Similar CS/H 913)

Home Health Agencies/Registration, deletes homemaker services from definition of "home health service", provides exemptions provides for registration of sitter services, companion services or homemaker services with H.R.S., provides fee & penalties, provides for injunctive proceedings & inspections etc Amends

## HISTORY OF HOUSE BILLS

**H 1454 (CONTINUED)**

- 05/28/87 HOUSE On Committee agenda—Appropriations, 05/28/87, 3 30 pm, 21 HOB, Preliminary Committee Action by Appropriations Favorable, as a Committee Substitute, to Calendar
- 06/02/87 HOUSE Comm Report. CS by Appropriations, placed on Calendar -HJ 1066, CS read first time -HJ 1065
- 06/06/87 HOUSE Died on Calendar

**H 1455 GENERAL BILL/CS by Appropriations, Natural Resources; Martin; Wallace and others (Similar CS/ENG/S 778)**

- Florida Rails to Trails Program, provides legislative intent to provide for acquisition of abandoned railroad rights-of-way for use as recreational trails, provides for said program, provides for authority of D N R to acquire land under Fla Recreational Trails Act, provides for powers of TITF for purposes of program, provides for responsibilities of D O T re abandoned & to-be-abandoned railroad rights-of-way, etc Amends Ch 260, 375 251 Effective Date 07/01/87
- 05/12/87 HOUSE Filed
- 05/13/87 HOUSE Introduced, referred to Appropriations -HJ 442
- 05/19/87 HOUSE On Committee agenda—Appropriations, 05/21/87, 3 30 pm, 21 HOB
- 05/21/87 HOUSE Preliminary Committee Action by Appropriations Favorable, as a Committee Substitute, to Calendar
- 05/25/87 HOUSE Comm Report CS by Appropriations, placed on Calendar -HJ 635, CS read first time -HJ 635
- 05/28/87 HOUSE Placed on Special Order Calendar
- 05/29/87 HOUSE Read second time, Read third time, CS passed, YEAS 100 NAYS 1 -HJ 782
- 05/29/87 SENATE In Messages
- 06/01/87 SENATE Received, referred to Natural Resources and Conservation, Transportation, Appropriations -SJ 539
- 06/06/87 SENATE Died in Committee on Natural Resources and Conservation, Iden/Sim/Compare bill passed, refer to CS/SB 778 (Ch 87-328)

**H 1456 GENERAL BILL/ENG by Natural Resources; Martin (Compare CS/CS/S 572)**

- Eminent Domain/Order of Taking, authorizes D O T to acquire certain property through eminent domain when reasonably necessary for securing applicable environmental permits, provides for interagency agreements, etc Amends 337 27 Effective Date 07/01/87
- 05/12/87 HOUSE Filed
- 05/13/87 HOUSE Introduced, referred to Appropriations -HJ 442
- 05/27/87 HOUSE Withdrawn from Appropriations -HJ 646, Placed on Calendar
- 05/28/87 HOUSE Placed on Special Order Calendar
- 05/29/87 HOUSE Read second time, Amendments adopted, Read third time, Passed as amended, YEAS 99 NAYS 2 -HJ 791
- 06/01/87 SENATE In Messages
- 06/02/87 SENATE Received, referred to Transportation, Judiciary-Civil -SJ 576
- 06/04/87 SENATE Withdrawn from Transportation, Judiciary-Civil, Substituted for CS/CS/SB 572, Passed, YEAS 29 NAYS 0 -SJ 780
- 06/04/87 Ordered enrolled
- 06/16/87 Signed by Officers and presented to Governor
- 06/30/87 Approved by Governor, Chapter No 87-242

**H 1457 GENERAL BILL/ENG by Natural Resources; Martin (Identical CS/S 15)**

- Energy Conservation Standards Act, creates Florida Energy Conservation Standards Act, provides powers of Community Affairs Dept, specifies products covered by act, provides for energy conservation standards & requires compliance therewith, provides for test methods, exemptions & revision of standards, requires manufacturers to submit certification statements provides for enforcement & penalties, requires reports to Gov & Legislature by P S C Creates 553 951- 975 Effective Date 01/01/88
- 05/12/87 HOUSE Filed
- 05/13/87 HOUSE Introduced, referred to Appropriations -HJ 442
- 05/19/87 HOUSE Withdrawn from Appropriations -HJ 480, Placed on Calendar
- 05/28/87 HOUSE Placed on Special Order Calendar
- 05/29/87 HOUSE Read second time, Amendment adopted, Read third time, Passed as amended, YEAS 107 NAYS 5 -HJ 782
- 06/01/87 SENATE In Messages
- 06/02/87 SENATE Received, referred to Commerce, Economic, Community and Consumer Affairs, Appropriations -SJ 576
- 06/05/87 SENATE Withdrawn from Commerce, Economic, Community and Consumer Affairs, Appropriations, Substituted for CS/SB 15, Passed, YEAS 35 NAYS 1 -SJ 856
- 06/05/87 Ordered enrolled
- 06/23/87 Signed by Officers and presented to Governor
- 07/04/87 Approved by Governor, Chapter No 87-271

**H 1458 GENERAL BILL/CS/ENG by Appropriations; Insurance, Ogden, Simon (Compare H 1146, S 974)**

- Medical Malpractice/Emergency Rooms, provides for additional members & reappointment of Board of Governors of Joint Underwriting Assoc, provides for premium stabilization plan re medical malpractice, requires certain physicians & osteopaths to obtain minimum level of coverage, provides for assessments

**H 1458 (CONTINUED)**

- against insurers, prohibits insurers from selling certain malpractice coverage to physicians, etc Amends 627 351, creates 768 606 Effective Date Upon becoming law
- 05/12/87 HOUSE Filed
- 05/13/87 HOUSE Introduced, referred to Appropriations -HJ 442
- 05/28/87 HOUSE On Committee agenda—Appropriations, 05/28/87, 3 30 pm, 21 HOB, Preliminary Committee Action by Appropriations Favorable, as a Committee Substitute, to Calendar
- 05/29/87 HOUSE Comm Report. CS by Appropriations, placed on Calendar -HJ 853, CS read first time -HJ 853
- 06/01/87 HOUSE Placed on Special Order Calendar, Read second time -HJ 893, Amendments adopted, Read third time, CS passed as amended, YEAS 73 NAYS 39 -HJ 896
- 06/02/87 SENATE In Messages
- 06/03/87 SENATE Received, referred to Health and Rehabilitative Services, Commerce, Appropriations -SJ 639
- 06/06/87 SENATE Died in Committee on Health and Rehabilitative Services
- H 1459 RESOLUTION by Morse**
- Armando Valladares & Eloy G Menayo, expresses sympathy for those persons suffering imprisonment for their beliefs in bringing freedom to their nation & mankind & recognizes sacrifices & accomplishments of Armando Valladares & Eloy Gutierrez Menayo in achieving these ends
- 05/12/87 HOUSE Filed, Introduced, referred to Judiciary -HJ 417
- 06/06/87 HOUSE Died in Committee on Judiciary

**H 1460 RESOLUTION by Deutsch**

- Rabbi Menachem Mendel Schneerson, recognizes & commends Rabbi Menachem Mendel Schneerson & the Lubavitch Movement for their efforts to foster & promote historical ethical values & principles throughout the world
- 05/12/87 HOUSE Filed
- 05/13/87 HOUSE Introduced, referred to Ethics & Elections -HJ 442
- 05/27/87 HOUSE Withdrawn from Ethics & Elections -HJ 666, Placed on Calendar, Read second time, Adopted -HJ 678

**H 1461 RESOLUTION by Patchett (Identical S 1341)**

- Florida Teacher of the Year 1988, commends Margaret Ingram, a highly skilled language arts teacher at Beachland Elementary School, Indian River County & her distinguished colleagues for their sincere & dedicated service to education & to the young people of Florida
- 05/12/87 HOUSE Filed
- 05/13/87 HOUSE Introduced, referred to Education, K - 12 -HJ 442
- 05/19/87 HOUSE Withdrawn from Education, K - 12 -HJ 482, Placed on Calendar, Read second time, Adopted -HJ 482

**H 1462 RESOLUTION by Jennings, Lombard (Similar S 1346)**

- Sarasota HS Baseball Champions, recognizes Sarasota High School's Sailors as the 1987 Class AAAA Baseball Champions of Florida
- 05/12/87 HOUSE Filed
- 05/13/87 HOUSE Introduced, referred to Education, K - 12 -HJ 442
- 05/19/87 HOUSE Withdrawn from Education, K - 12 -HJ 486, Placed on Calendar
- 06/04/87 HOUSE Read second time, Adopted -HJ 1256

**H 1463 LOCAL BILL/ENG by Tobiasen; Baas; Banjanin**

- Pensacola/Employee Retirement, amends special act to delete compulsory retirement language, repeals special act re automatic retirement of city employees, supersedes existing laws relating thereto Effective Date 07/02/87.
- 05/13/87 HOUSE Filed
- 05/15/87 HOUSE Introduced, referred to Community Affairs, Retirement, Personnel & Collective Bargaining -HJ 468
- 05/21/87 HOUSE Withdrawn from Community Affairs -HJ 533, Now in Retirement, Personnel & Collective Bargaining
- 05/27/87 HOUSE Withdrawn from Retirement, Personnel & Collective Bargaining -HJ 666, Placed on Calendar
- 05/28/87 HOUSE Placed on Local Calendar
- 05/29/87 HOUSE Read second time, Amendments adopted, Read third time, Passed as amended, YEAS 114 NAYS 0 -HJ 768
- 06/01/87 SENATE In Messages
- 06/02/87 SENATE Received, referred to Rules and Calendar -SJ 576
- 06/03/87 SENATE Considered by Rules and Calendar, placed on Local Calendar -SJ 628, Passed, YEAS 33 NAYS 0 -SJ 650
- 06/03/87 Ordered enrolled
- 06/16/87 Signed by Officers and presented to Governor
- 07/02/87 Became Law without Governor's Signature, Chapter No 87-532

**H 1464 RESOLUTION by Arnold, Ireland and others (Similar H 1443, S 1323)**

- Teachers' Appreciation Week, marks Teachers' Appreciation Week, May 10 through May 16, with special recognition of elementary & secondary school teachers on May 15 as celebrated by Florida District of Kiwanis International
- 05/13/87 HOUSE Filed, Introduced, referred to Education, K - 12 -HJ 442
- 05/15/87 HOUSE Withdrawn from Education K - 12 -HJ 453, Placed on Calendar, Read second time, Adopted -HJ 467

**H 1465 RESOLUTION by Mills, Trammell, Saunders and others**

- Representatives Freshman Class Party, accepts with pleasure the hospitality ex-

By Senator Kirkpatrick

This publication was produced at an average cost of 1.5 cents per page for the information of members of the legislature and the public.

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A bill to be entitled  
An act relating to recreational trails;  
amending s. 260.012, F.S.; providing  
legislative intent; amending s. 260.013, F.S.;  
providing a definition; creating s. 260.0141,  
F.S.; establishing the Florida Rails to Trails  
Program; amending s. 260.015, F.S.; prescribing  
powers of the Department of Natural Resources  
with respect to certain land acquisition;  
authorizing the Board of Trustees of the  
Internal Improvement Trust Fund to accept title  
to abandoned railroad rights-of-way, as  
specified; amending s. 260.016, F.S.; providing  
powers of the Division of Recreation and Parks;  
providing for appointment of the Florida  
Recreational Trails Council; providing for  
reimbursement; creating s. 260.0161, F.S.;  
providing for duties of the Department of  
Transportation and for coordination between  
that department and the Division of Recreation  
and Parks; requiring a memorandum of  
understanding; providing guidelines for leasing  
rights-of-way to a public agency or a private  
organization for use as a public recreational  
trail; amending s. 375.251, F.S.; providing for  
certain limitations on liability; providing for  
future repeal and review of the council;  
providing an appropriation; providing an  
effective date.



1           WHEREAS, the Legislature recognizes the importance of  
2 providing the public with access to Florida's outdoor areas  
3 for recreation, enjoyment, and appreciation, and

4           WHEREAS, it is the Legislature's intent to conserve and  
5 develop the natural resources of this state for healthful and  
6 recreational purposes, and

7           WHEREAS, the Legislature finds that Florida's  
8 recreational trails accommodate a variety of outdoor  
9 activities, including walking, hiking, bicycling, jogging,  
10 canoeing and horseback riding, while also providing access to  
11 other recreational activities such as sightseeing, fishing,  
12 picnicking, swimming, and camping, and

13           WHEREAS, the Legislature has, in chapter 260, Florida  
14 Statutes, declared it to be the public policy of this state to  
15 provide the means to establish and expand a network of scenic  
16 recreational trails known as the "Florida Recreational Trails  
17 System," and

18           WHEREAS, the Legislature finds that abandoned railroad  
19 rights-of-way are a unique source of land corridors which are,  
20 in many cases, suitable for use as recreational trails, and

21           WHEREAS, railroad rights-of-way are being abandoned at  
22 a high rate and are often sold in segments, thereby  
23 fragmenting the original corridors and leaving unconnected  
24 segments which are unsuitable for acquisition for recreational  
25 trail use, and

26           WHEREAS, the Legislature finds that the preservation of  
27 abandoned rail corridors for development and use as  
28 recreational trails is in the public interest, and

29           WHEREAS, the Legislature finds that a systematic and  
30 continuing statewide program of acquiring abandoned railroad  
31

1 rights-of-way is needed to preserve this unique and  
2 irreplaceable source of recreational trails, NOW, THEREFORE,

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6 Section 1. Subsection (2) of section 260.012, Florida  
7 Statutes, is amended to read:

8 260.012 Declaration of policy and legislative  
9 intent.--

10 (2) It is the intent of the Legislature that  
11 recreational trails be established within and without  
12 boundaries of state parks and state forests and, when  
13 feasible, to interconnect units of the state park and forest  
14 system, as well as national forests and parks and such locally  
15 maintained parks as may be appropriate. It is also the intent  
16 of the Legislature to perpetuate the use of and provide access  
17 to regions and trails of special historic interest within the  
18 state; to provide for the acquisition of abandoned railroad  
19 rights-of-way for use as public recreational trails; to  
20 encourage the multiple use of public rights-of-way and use to  
21 the fullest extent existing and future scenic roads, highways,  
22 park roads, parkways, and national recreational trails; to  
23 encourage the development of recreational trails by counties,  
24 cities, and special districts and to assist in such  
25 development by any means available; to coordinate recreational  
26 trail plans and development by local governments with one  
27 another and with the state government and Federal Government;  
28 and to encourage, whenever possible, the development of  
29 recreational trails on federal lands by the Federal  
30 Government.

1 Section 2. Subsection (5) is added to section 260.013,  
2 Florida Statutes, to read:

3 260.013 Definitions.--As used in ss. 260.011-260.018,  
4 unless the context otherwise requires:

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

7 Section 3. Section 260.0141, Florida Statutes, is  
8 created to read:

9 260.0141 Rails to Trails Program.--There is  
10 established within the Florida Recreational Trails System the  
11 "Florida Rails to Trails Program," the purpose of which is to  
12 acquire and develop abandoned railroad rights-of-way for  
13 public recreational trail use. Such rights-of-way shall be  
14 acquired pursuant to this act.

15 Section 4. Section 260.015, Florida Statutes, is  
16 amended to read:

17 260.015 Acquisition of land.--

18 (1) The department division is authorized to acquire  
19 by gift or purchase the fee simple absolute title or any  
20 lesser interest in land, including easements, for the purposes  
21 of ss. 260.011-260.018. Such acquisitions shall be pursuant  
22 to the provisions of chapter 375, except that: no power-of  
23 eminent-domain-is-conveyed-to-the-division-by-ss.-260.011-  
24 260.018.

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

28 (b) Lists of proposed acquisitions for the Florida  
29 Rails to Trails Program shall be prepared according to the  
30 provisions of s. 260.016.

1           (c) Abandoned railroad rights-of-way must be acquired  
2 according to the acquisition procedures outlined in chapter  
3 253 for projects valued at less than \$250,000, regardless of  
4 the appraised value of the right-of-way.

5           (2) For purposes of the Florida Rails to Trails  
6 Program, the board may:

7           (a) Accept title, including nonmarketable title  
8 notwithstanding s. 253.025(6), to abandoned railroad rights-  
9 of-way purchased or leased by or donated to the department and  
10 to any areas abutting such rights-of-way which are needed for  
11 the construction of trail user support facilities; and

12           (b) Accept title to abandoned railroad rights-of-way  
13 which is conveyed by quitclaim deed through purchase,  
14 dedication, gift, grant, or settlement, notwithstanding s.  
15 253.025(1).

16           ~~(3)42~~ Easements and rights-of-way upon, over, under,  
17 across, or along any land, the fee title of which has been  
18 acquired for the purposes of ss. 260.011-260.018, may be  
19 granted by the department division so long as the use of  
20 permitted-by the easement or right-of-way does not interfere  
21 with the purposes of ss. 260.011-260.018.

22           ~~(4)43~~ The department division may transfer any  
23 recreational trail, or easement, or right-of-way to a local  
24 governmental agency having jurisdiction over the area in which  
25 the recreational trail, easement, or right-of-way is located  
26 upon agreement by such local agency to maintain and operate  
27 the recreational trail, easement, or right-of-way for  
28 recreational purposes in a manner consistent with department  
29 rules and the intent of ss. 260.011-260.018.

30           Section 5. Section 260.016, Florida Statutes, is  
31 amended to read:

1           260.016 General powers of Division of Recreation and  
2 Parks.--

3           (1) The Division of Recreation and Parks may:

4           ~~(a)†1~~ Publish and distribute appropriate maps of  
5 recreational trails, including recommended extensions thereof.

6           ~~(b)†2~~ Establish access routes and related primitive  
7 public-use facilities along recreational trails which will not  
8 substantially interfere with the nature and purposes of the  
9 trail.

10          ~~(c)†3~~ Adopt Promulgate appropriate rules for the use  
11 of recreational trails.

12          ~~(d)†4~~ Coordinate the activities of all governmental  
13 units and bodies and special districts that desire to  
14 participate in the development of the Florida Recreational  
15 Trails System.

16          ~~(e)~~ Appoint an advisory body to be known as the  
17 "Florida Recreational Trails Council" which shall advise the  
18 division in the execution of its powers and duties under this  
19 chapter. The division shall establish by rule the duties,  
20 structure, and responsibilities of the council. Members of  
21 the Florida Recreational Trails Council shall serve without  
22 compensation, but are entitled to be reimbursed for per diem  
23 and travel expenses as provided in s. 112.061, Florida  
24 Statutes.

25          (2) The Division of Recreation and Parks shall:

26          (a) Evaluate existing and potential abandoned railroad  
27 rights-of-way to identify the corridors which are suitable for  
28 acquisition for recreational trail use and shall compile a  
29 list of suitable corridors, ranking them in order of priority  
30 for proposed acquisition. The division shall devise a method  
31

1 of evaluation which includes, but is not limited to, the  
2 consideration of:  
3       1. Current and future recreational need;  
4       2. Potential for local sharing in the acquisition,  
5 development, operation, or maintenance of abandoned rail  
6 corridors;  
7       3. Costs of acquisition, development, operation, and  
8 maintenance; and  
9       4. Time of availability of rights-of-way.  
10       (b) Maintain an updated list of abandoned and to-be-  
11 abandoned railroad rights-of-way. The division shall request  
12 information on current and potential railroad abandonments  
13 from the Department of Transportation, the Interstate Commerce  
14 Commission, and railroad companies operating within the state.  
15 At a minimum, the division shall make such requests on a  
16 quarterly basis.  
17       (c) Provide information to public and private agencies  
18 and organizations on abandoned rail corridors which are or  
19 will be available for acquisition from the railroads or for  
20 lease for interim recreational use from the Department of  
21 Transportation. Such information shall include, at a minimum,  
22 probable costs of purchase or lease of the identified  
23 corridors.  
24       Section 6. Section 260.0161, Florida Statutes, is  
25 created to read:  
26       260.0161 Coordination with Department of  
27 Transportation.--  
28       (1) Upon the division's request, the Department of  
29 Transportation shall provide information to the division on  
30 abandoned and to-be-abandoned railroad rights-of-way.  
31

1           (2) The Department of Transportation and the Division  
2 of Recreation and Parks shall coordinate their evaluations of  
3 potential acquisitions and their acquisition priorities with  
4 respect to abandoned railroad rights-of-way in order to avoid  
5 competing for the same corridors. The division and the  
6 Department of Transportation shall enter into a memorandum of  
7 understanding which shall contain a method by which the  
8 coordination of evaluations and acquisition priorities is to  
9 be accomplished. The memorandum of understanding shall be  
10 submitted to the President of the Senate, the Speaker of the  
11 House of Representatives, and the Governor within 120 days  
12 after the effective date of this act.

13           (3) After the Department of Transportation acquires  
14 abandoned railroad rights-of-way for future transportation  
15 purposes, the Department of Transportation shall lease such  
16 rights-of-way to a public agency or private organization for  
17 interim public recreational trail use if:

18           (a) The public agency or private organization has  
19 requested use of the right-of-way for interim public  
20 recreational trail use;

21           (b) The public agency or private organization agrees  
22 in writing to assume all liability and management  
23 responsibilities as defined by the Department of  
24 Transportation; and

25           (c) The use of the right-of-way as a recreational  
26 trail does not interfere with the ultimate transportation  
27 purposes of the property.

28           (4) If the Department of Transportation determines  
29 that an abandoned railroad right-of-way which has been leased  
30 for interim recreational trail use is needed for  
31 transportation purposes, the Department of Transportation

1 shall work with the leasing agency to accommodate, when  
2 feasible, the existing trail use in conjunction with the use  
3 of the right-of-way for transportation.

4 Section 7. Subsection (2) of section 375.251, Florida  
5 Statutes, is amended to read:

6 375.251 Limitation on liability of persons making  
7 available to public certain areas for recreational purposes  
8 without charge.--

9 (2)(a) An owner or lessee who provides the public with  
10 a park area or other land for outdoor recreational purposes  
11 owes no duty of care to keep that park area or land safe for  
12 entry or use by others, or to give warning to persons entering  
13 or going on that park area or land of any hazardous  
14 conditions, structures, or activities thereon. An owner or  
15 lessee who provides the public with a park area or other land  
16 for outdoor recreational purposes shall not by providing that  
17 park area or land:

18 1. Be presumed to extend any assurance that such park  
19 area or land is safe for any purpose,

20 2. Incur any duty of care toward a person who goes on  
21 that park area or land, or

22 3. Become liable or responsible for any injury to  
23 persons or property caused by the act or omission of a person  
24 who goes on that park area or land.

25 (b) This section shall not apply if there is any  
26 charge made or usually made for entering or using such park  
27 area or land, or any part thereof, or if any commercial or  
28 other activity, whereby for profit is derived from the  
29 patronage of the general public, is conducted on such park  
30 area or land, or any part thereof.



1 Section 8. The Florida Recreational Trails Council  
2 authorized in section 5 shall expire July 1, 1997, and shall  
3 be reviewed by the Legislature prior to that date pursuant to  
4 s. 11.611, Florida Statutes.

5 Section 9. (1) There is hereby appropriated from the  
6 General Revenue Fund for fiscal year 1987-1988 the sum of \$3.6  
7 million to be credited to the Land Acquisition Trust Fund for  
8 disbursement by the Department of Natural Resources for the  
9 purposes of this act.

10 (2) The sum of \$111,761 and one Planner II position,  
11 one Land Acquisition Agent position, and one Secretary  
12 Specialist position are hereby appropriated from the General  
13 Revenue Fund to the Department of Natural Resources to carry  
14 out the purposes of this act.

15 Section 10. This act shall take effect upon becoming a  
16 law.

17 \*\*\*\*\*

18 SENATE SUMMARY

19 Establishes the Florida Rails to Trails Program, intended  
20 to acquire abandoned railroad rights-of-way for use as  
21 public recreational trails. Allows the Department of  
22 Natural Resources to acquire land by specified means and  
23 to transfer title to a local government. Allows the  
24 Division of Recreation and Parks to appoint an advisory  
25 council and to provide for its structure and duties.  
26 Provides for the division and the Department of  
27 Transportation to coordinate their land acquisition and  
28 for the department to make certain accommodations.  
29 Places limitations on liability of persons who make  
30 certain areas available for recreation without charge.  
31

By the Committee on Natural Resources and Conservation and  
 Senator Kirkpatrick

This publication was produced at  
 an average cost of 1.5 cents per page  
 for the information of members of  
 the Legislature and the public.

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A bill to be entitled

An act relating to recreational trails;  
 amending s. 260.012, F.S.; providing  
 legislative intent; amending s. 260.013, F.S.;  
 providing a definition; creating s. 260.0141,  
 F.S.; establishing the Florida Rails to Trails  
 Program; amending s. 260.015, F.S.; prescribing  
 powers of the Department of Natural Resources  
 with respect to certain land acquisition;  
 authorizing the Board of Trustees of the  
 Internal Improvement Trust Fund to accept title  
 to abandoned railroad rights-of-way, as  
 specified, amending s. 260.016, F.S.; providing  
 powers of the Division of Recreation and Parks;  
 providing for appointment of the Florida  
 Recreational Trails Council, providing for  
 reimbursement; creating s. 260.0161, F.S.;  
 providing for duties of the Department of  
 Transportation and for coordination between  
 that department and the Department of Natural  
 Resources; requiring a memorandum of  
 understanding; providing guidelines for leasing  
 rights-of-way to a public agency or a private  
 organization for use as a public recreational  
 trail; amending s. 375.251, F.S.; providing for  
 certain limitations on liability; providing for  
 future repeal and review of the council;  
 providing an appropriation; providing an  
 effective date.

1           WHEREAS, the Legislature recognizes the importance of  
2 providing the public with access to Florida's outdoor areas  
3 for recreation, enjoyment, and appreciation, and

4           WHEREAS, it is the Legislature's intent to conserve and  
5 develop the natural resources of this state for healthful and  
6 recreational purposes, and

7           WHEREAS, the Legislature finds that Florida's  
8 recreational trails accommodate a variety of outdoor  
9 activities, including walking, hiking, bicycling, jogging,  
10 canoeing, and horseback riding, while also providing access to  
11 other recreational activities such as sightseeing, fishing,  
12 picnicking, swimming, and camping, and

13           WHEREAS, the Legislature has, in chapter 260, Florida  
14 Statutes, declared it to be the public policy of this state to  
15 provide the means to establish and expand a network of scenic  
16 recreational trails known as the "Florida Recreational Trails  
17 System," and

18           WHEREAS, the Legislature finds that abandoned railroad  
19 rights-of-way are a unique source of land corridors which are,  
20 in many cases, suitable for use as recreational trails, and

21           WHEREAS, railroad rights-of-way are being abandoned at  
22 a high rate and are often sold in segments, thereby  
23 fragmenting the original corridors and leaving unconnected  
24 segments which are unsuitable for acquisition for recreational  
25 trail use, and

26           WHEREAS, the Legislature finds that the preservation of  
27 abandoned rail corridors for development and use as  
28 recreational trails is in the public interest, and

29           WHEREAS, the Legislature finds that a systematic and  
30 continuing statewide program of acquiring abandoned railroad  
31

1 rights-of-way is needed to preserve this unique and  
2 irreplaceable source of recreational trails, NOW, THEREFORE,

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6 Section 1. Subsection (2) of section 260 012, Florida  
7 Statutes, is amended to read:

8 260.012 Declaration of policy and legislative  
9 intent.--

10 (2) It is the intent of the Legislature that  
11 recreational trails be established within and without  
12 boundaries of state parks and state forests and, when  
13 feasible, to interconnect units of the state park and forest  
14 system, as well as national forests and parks and such locally  
15 maintained parks as may be appropriate. It is also the intent  
16 of the Legislature to perpetuate the use of and provide access  
17 to regions and trails of special historic interest within the  
18 state; to provide for the acquisition of abandoned railroad  
19 rights-of-way for use as public recreational trails; to  
20 encourage the multiple use of public rights-of-way and use to  
21 the fullest extent existing and future scenic roads, highways,  
22 park roads, parkways, and national recreational trails; to  
23 encourage the development of recreational trails by counties,  
24 cities, and special districts and to assist in such  
25 development by any means available; to coordinate recreational  
26 trail plans and development by local governments with one  
27 another and with the state government and Federal Government,  
28 and to encourage, whenever possible, the development of  
29 recreational trails on federal lands by the Federal  
30 Government.

1 Section 2. Subsection (5) is added to section 260.013,  
2 Florida Statutes, to read:

3 260.013 Definitions.--As used in ss. 260.011-260.018,  
4 unless the context otherwise requires:

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

7 Section 3. Section 260.0141, Florida Statutes, is  
8 created to read:

9 260.0141 Rails to Trails Program.--There is  
10 established within the Florida Recreational Trails System the  
11 "Florida Rails to Trails Program," the purpose of which is to  
12 acquire and develop abandoned railroad rights-of-way for  
13 public recreational trail use. Such rights-of-way shall be  
14 acquired pursuant to this act.

15 Section 4. Section 260.015, Florida Statutes, is  
16 amended to read:

17 260.015 Acquisition of land.--

18 (1) The department division is authorized to acquire  
19 by gift or purchase the fee simple absolute title or any  
20 lesser interest in land, including easements, for the purposes  
21 of ss. 260.011-260.018 pursuant to the provisions of chapter  
22 375, except that: ~~no power of eminent domain is conveyed to~~  
23 ~~the division by ss. 260.011-260.018.~~

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

27 (b) Lists of proposed acquisitions for the Florida  
28 Rails to Trails Program shall be prepared according to the  
29 provisions of s. 260.016.

30 (c) Abandoned railroad rights-of-way acquired under  
31 this chapter shall not be subject to the evaluation and

1 selection procedures of s. 259.035, regardless of the  
2 estimated value of such projects. All abandoned railroad  
3 rights-of-way projects shall be acquired in accordance with  
4 the acquisition procedures of chapter 253.

5 (2) For purposes of the Florida Rails to Trails  
6 Program, the board may

7 (a) Accept title, including nonmarketable title  
8 notwithstanding s. 253.025(6), to abandoned railroad rights-  
9 of-way purchased or leased by or donated to the department and  
10 to any areas abutting such rights-of-way which are needed for  
11 the construction of trail user support facilities; and

12 (b) Accept title to abandoned railroad rights-of-way  
13 which is conveyed by quitclaim deed through purchase,  
14 dedication, gift, grant, or settlement, notwithstanding s.  
15 253.025(1).

16 (3)†2) Easements and rights-of-way upon, over, under,  
17 across, or along any land, the fee title of which has been  
18 acquired for the purposes of ss. 260.011-260.018, may be  
19 granted by the department division so long as the use of  
20 permitted-by the easement or right-of-way does not interfere  
21 with the purposes of ss. 260.011-260.018.

22 (4)†3) The department division may transfer any  
23 recreational trail, or easement, or right-of-way to a local  
24 governmental agency having jurisdiction over the area in which  
25 the recreational trail, easement, or right-of-way is located  
26 upon agreement by such local agency to maintain and operate  
27 the recreational trail, easement, or right-of-way for  
28 recreational purposes in a manner consistent with department  
29 rules and the intent of ss. 260.011-260.018.

30 Section 5. Section 260.016, Florida Statutes, is  
31 amended to read:

1           260.016 General powers of Division of Recreation and  
2 Parks.--

3           (1) The Division of Recreation and Parks may:

4           ~~(a)†1†~~ Publish and distribute appropriate maps of  
5 recreational trails, including recommended extensions thereof.

6           ~~(b)†2†~~ Establish access routes and related primitive  
7 public-use facilities along recreational trails which will not  
8 substantially interfere with the nature and purposes of the  
9 trail.

10          ~~(c)†3†~~ Adopt ~~Prohibit~~ appropriate rules for the use  
11 of recreational trails.

12          ~~(d)†4†~~ Coordinate the activities of all governmental  
13 units and bodies and special districts that desire to  
14 participate in the development of the Florida Recreational  
15 Trails System.

16          ~~(e)~~ Appoint an advisory body to be known as the  
17 "Florida Recreational Trails Council" which shall advise the  
18 division in the execution of its powers and duties under this  
19 chapter. The division shall establish by rule the duties,  
20 structure, and responsibilities of the council. Members of  
21 the Florida Recreational Trails Council shall serve without  
22 compensation, but are entitled to be reimbursed for per diem  
23 and travel expenses as provided in s. 112.061, Florida  
24 Statutes.

25          (2) The Division of Recreation and Parks shall:

26          (a) Evaluate existing and potential abandoned railroad  
27 rights-of-way to identify the corridors which are suitable for  
28 acquisition for recreational trail use and shall compile a  
29 list of suitable corridors, ranking them in order of priority  
30 for proposed acquisition. The division shall devise a method  
31

1 of evaluation which includes, but is not limited to, the  
2 consideration of:

3 1. Current and future recreational need;

4 2. Potential for local sharing in the acquisition,  
5 development, operation, or maintenance of abandoned rail  
6 corridors;

7 3. Costs of acquisition, development, operation, and  
8 maintenance; and

9 4. Time of availability of rights-of-way.

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

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

24 Section 6. Section 260.0161, Florida Statutes, is  
25 created to read:

26 260.0161 Coordination with Department of  
27 Transportation.--

28 (1) Upon the request of the Department of Natural  
29 Resources, the Department of Transportation shall provide  
30 information to the Department of Natural Resources on  
31 abandoned and to-be-abandoned railroad rights-of-way.



1           (2) The Department of Transportation and the  
2 Department of Natural Resources shall coordinate their  
3 evaluations of potential acquisitions and their acquisition  
4 priorities with respect to abandoned railroad rights-of-way in  
5 order to avoid competing for the same corridors. The  
6 Department of Natural Resources and the Department of  
7 Transportation shall enter into a memorandum of understanding  
8 which shall contain a method by which the coordination of  
9 evaluations and acquisition priorities is to be accomplished.  
10 The memorandum of understanding shall be submitted to the  
11 President of the Senate, the Speaker of the House of  
12 Representatives, and the Governor within 120 days after the  
13 effective date of this act.

14           (3) After the Department of Transportation acquires  
15 abandoned railroad rights-of-way for future transportation  
16 purposes, the Department of Transportation shall lease such  
17 rights-of-way to a public agency or private organization for  
18 interim public recreational trail use if.

19           (a) The public agency or private organization has  
20 requested use of the right-of-way for interim public  
21 recreational trail use;

22           (b) The public agency or private organization agrees  
23 in writing to assume all liability and management  
24 responsibilities as defined by the Department of  
25 Transportation; and

26           (c) The use of the right-of-way as a recreational  
27 trail does not interfere with the ultimate transportation  
28 purposes of the property as determined by the Secretary of the  
29 Department of Transportation.

30           (4) If the Department of Transportation determines  
31 that an abandoned railroad right-of-way which has been leased

1 for interim recreational trail use is needed for  
2 transportation purposes, the Department of Transportation  
3 shall work with the leasing agency to accommodate, when  
4 feasible, the existing trail use in conjunction with the use  
5 of the right-of-way for transportation.

6 Section 7. Subsection (2) of section 375.251, Florida  
7 Statutes, is amended to read:

8 375.251 Limitation on liability of persons making  
9 available to public certain areas for recreational purposes  
10 without charge.--

11 (2)(a) An owner or lessee who provides the public with  
12 a park area or other land for outdoor recreational purposes  
13 owes no duty of care to keep that park area or land safe for  
14 entry or use by others, or to give warning to persons entering  
15 or going on that park area or land of any hazardous  
16 conditions, structures, or activities thereon. An owner or  
17 lessee who provides the public with a park area or other land  
18 for outdoor recreational purposes shall not by providing that  
19 park area or land:

20 1. Be presumed to extend any assurance that such park  
21 area or land is safe for any purpose,

22 2. Incur any duty of care toward a person who goes on  
23 that park area or land, or

24 3. Become liable or responsible for any injury to  
25 persons or property caused by the act or omission of a person  
26 who goes on that park area or land.

27 (b) This section shall not apply if there is any  
28 charge made or usually made for entering or using such park  
29 area or land, or any part thereof, or if any commercial or  
30 other activity, whereby for profit is derived from the  
31

1 patronage of the general public, is conducted on such park  
2 area or land, or any part thereof.

3 Section 8. The Florida Recreational Trails Council  
4 authorized in section 5 shall expire July 1, 1997, and shall  
5 be reviewed by the Legislature prior to that date pursuant to  
6 s. 11.611, Florida Statutes.

7 Section 9. (1) There is hereby appropriated from the  
8 General Revenue Fund for fiscal year 1987-1988 the sum of \$3.6  
9 million to be credited to the Land Acquisition Trust Fund for  
10 disbursement by the Department of Natural Resources for the  
11 purposes of this act.

12 (2) The sum of \$111,761 and one Planner II position,  
13 one Land Acquisition Agent position, and one Secretary  
14 Specialist position are hereby appropriated from the General  
15 Revenue Fund to the Division of Recreation and Parks of the  
16 Department of Natural Resources to carry out the purposes of  
17 this act.

18 Section 10. This act shall take effect upon becoming a  
19 law.

20  
21  
22  
23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
24 COMMITTEE SUBSTITUTE FOR  
25 Senate Bill 778

26 The Secretary of the Department of Transportation would be  
27 responsible for determining that the use of a right-of-way as  
28 a recreational trail would not interfere with the ultimate  
29 transportation purposes of abandoned rail rights-of-way  
30 acquired for future transportation purposes and leased for  
31 interim recreational use.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Stephens</u> <i>[Signature]</i>	<u>Voigt</u> <i>[Signature]</i>	1. <u>NRC</u>	_____
2. _____	_____	2. <u>TR</u>	_____
3. _____	_____	3. <u>AP</u>	_____
4. _____	_____	4. _____	_____

SUBJECT:

Recreational Trails

BILL NO. AND SPONSOR:

SB 778 by  
Senator Kirkpatrick

18

1675-

I. SUMMARY:

A. Present Situation:

Chapter 260, Florida Statutes, is known as the Florida Recreational Trails Act of 1979. In this chapter the Legislature declares that it is public policy to provide the means and procedures for establishing and expanding a network of recreational and scenic trails in the state. The trails are to serve to encourage horseback riding, hiking, bicycling, canoeing, and jogging. The chapter provides for acquisition of land for trails and delineates the general powers of the Department of Natural Resources' Division of Recreation and Parks for this program. Although this program was originally authorized in 1979, positions and funding for implementation of this program were not appropriated until 1985. Since 1985, the efforts for this program have been increased and the "Rails to Trails" (RTT) program is one component of the entire recreational trails program.

Currently, about 1,000 miles of trails are designated in the state trails system. Of that number, 76 miles are designated as hiking trails, with the rest designated as canoe trails. A 1985 supply/demand needs analysis, conducted by the Department of Natural Resources in developing its State Comprehensive Outdoor Recreation Plan, included the following estimates of recreational trails needs throughout the state:

- 2,739 miles in bike trails
- 1,052 miles in hiking trails
- 938 miles in horseback riding trails
- 16 miles in nature study trails.

In 1986, the Legislature appropriated \$590,000 for development of the first RTT project. The project, a 16 mile abandoned rail right-of-way (ROW) between Tallahassee and St. Marks, is being acquired by the Department of Transportation (DOT) for future transportation use. The designated "interim" use is as a recreational trail for horseback riders, hikers, joggers, and bicyclists. DNR is responsible for construction of the trail and its management. Groundbreaking for the project occurred on April 20, 1987, and the trail is expected to open officially on Labor Day, 1987. This first project has been well supported by the citizenry in the local community and trail groups around the state.

In 1920, there were some 260,000 miles of track in rail service. Today, there are 145,000 miles in service and by the year 2000, it is estimated that only 100,000 miles of track will be in service. As lines are dropped from service, the corridors are used for development, agriculture, dumping areas for trash, etc. According to National Geographic, 27 percent of all adult Americans participate in day hikes, 35 percent in bird watching and nature study, 42 percent in running or

jogging, 46 percent in biking, and 84 percent in walking for pleasure. Abandoned rail corridors could serve as linear parks to accommodate both human recreational and access uses, and conservation trails for wildlife protection and migration. Although abandoned rail corridors may be most scenic in rural and generally undisturbed areas, there is a significant need for these linear parks in urban areas where open space is at a premium.

The problems encountered in acquiring these rights-of-way include: a) notice of upcoming abandonments is poor to non-existent, b) title problems are complex, c) monies are not available to acquire in a time frame that meets the disposal needs of a railroad; and d) agencies or groups who will maintain the property need to be identified.

Other states are forging ahead with rails-to-trails programs. Ohio has bought almost 45 miles of abandoned track and part of this track is used by 3,000 people a day. In Washington a lake-front trail has increased the value of homes in the vicinity by 6 percent. Other rails to trails programs are being or have been instituted in Wisconsin, Minnesota, Missouri, Illinois, New York, New Jersey, Maryland, Virginia, and Iowa. In Florida, the City of Winter Haven transformed abandoned railway into an urban park, and the City of Gainesville/Alachua County, is working on a cooperative rail to trail project with DOT and DNR.

The DNR has identified 225 miles of trail in Florida available now for purchase or soon to be available. DOT estimates the cost of these 225 miles or 2,500 acres of rail rights-of-way at approximately \$18 million.

**B. Effect of Proposed Changes:**

The Legislature would declare that the legislative intent is to provide for the acquisition of abandoned railroad rights-of-way for use as public recreational trails. The Florida Rails to Trails Program would be established for the purpose of acquiring and developing abandoned railroad rights-of-way for public recreational trail use. DNR would be authorized to acquire, for the trails program in general, land by gift or purchase of the fee simple absolute title or any lesser interest. DNR would be authorized to use eminent domain for RTT parcels in order to cure a defect in title. Abandoned railroad rights-of-way would be acquired according to the acquisition procedures for projects valued at less than \$250,000 described in Chapter 253, F.S. Under the RTT Program, the Board of Trustees of the Internal Improvement Trust Fund could a) accept title, including nonmarketable title, to abandoned railroad rights-of-way purchased or leased by or donated to DNR and for areas abutting the subject rights-of-way which are needed for the construction of trail user support facilities; and b) accept title to abandoned railroad rights-of-way which is conveyed by quitclaim deed through purchase, dedication, gift, grant, or settlement.

DNR would be allowed to grant the use of a right-of-way which had been acquired by fee title for trails to others if it did not interfere with the purposes of the recreational trails program. DNR could also transfer a recreational trail, easement, or right-of-way to a local governmental agency having jurisdiction over the area where the subject land is located if the local agency agrees to maintain the recreational trail, easement, or right-of-way for recreation in accordance with DNR rules and Chapter 260, F.S.

The DNR Division of Recreation and Parks would be authorized to appoint a Florida Recreational Trails Council which would provide advisory assistance to the Division. The Division would establish the duties, structure, and responsibilities of

the Council by rule. Council members would be reimbursed only for per diem and travel expenses in accordance with s. 112.061, F.S.

The Division of Recreation and Parks would be required to:

- a) evaluate existing and potential abandoned railroad rights-of-way to identify the corridors which are suitable for acquisition for recreational trail use and compile a list of suitable corridors, ranking them in order of priority for proposed acquisition. Projects would be evaluated on such things as: current and future recreational need; potential for local participation in acquisition, development, operation, or maintenance; costs of acquisition, development, operation and maintenance; and time of availability of rights-of-way.
- b) Maintain an updated list of abandoned and to-be-abandoned railroad rights-of-way.
- c) Provide information to governmental agencies and the public on abandoned rail corridors which could be acquired or leased for interim recreational use. The information would include probable costs of purchase or lease.

The Department of Transportation (DOT) would be required to provide information to the Division of Recreation and Parks on abandoned or to-be-abandoned railroad rights-of-way upon request. The Division of Recreation and Parks and DOT would be required to develop a memorandum of understanding to coordinate their evaluation and priorities of such potential rail acquisitions. The memorandum would be submitted to the Senate, House of Representative, and Governor within 20 days of the effective date of the act.

When DOT acquires abandoned railroad rights-of-way for future transportation, DOT would be required to lease the subject rights-of-way to interested agencies or organizations for an interim public recreational trail use if:

- a) the use had been requested by the agency or organization
- b) the agency or organization assumed, in writing, all liability and management responsibilities DOT would require; and
- c) the use for recreation would not interfere with ultimate transportation purposes.

If DOT determined that a ROW which was leased for recreational use was needed for transportation, DOT would work with the leasing agency to accommodate the two uses whenever feasible.

Persons who provide land to the public for outdoor recreational use would not:

- a) be presumed to extend assurances that the land is safe
- b) incur any duty of care toward a person who goes on the land
- c) become liable or responsible for an injury to persons or property caused by the act or omission of a person who goes on the land.

These limits of liability would not apply if there was a charge for entering or using the land, or if any activity where profit was derived from the patronage of the general public was conducted on the land.

The Florida Recreational Trails Council would expire on July 1, 1997, and would be reviewed by the Legislature pursuant to s. 11.611, F.S., prior to that date.

The sum of \$3.6 million would be appropriated from the General Revenue Fund for FY 1987-1988 to the Land Acquisition Trust Fund for the Rails to Trails Program. The sum of \$111,761 would be appropriated from the General Revenue Fund for a Planner II, a Land Acquisition Agent, and a Secretary Specialist to staff the Rails to Trails Program.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Interim recreational use of ROW purchased by DOT for future transportation use is a visible means of giving the public a return on their investment until intensive transportation development is timely. The acquisition of rail ROW by DNR will provide for permanent recreational trails for public use.

B. Government:

The sum of \$3,711,761 would be taken from the General Revenue Fund to fund the first year of DNR's RTT program acquisition, development, and administration. DNR has a need for three positions to carry out the rails to trails section of the trails program. The cost for these positions is included in the general revenue appropriation described above.

DOT will be required to work closely with DNR on rail ROW abandonments, but this should not require additional staff.

III. COMMENTS:

1. The companion bill is PCB-16 in the House Natural Resources Committee.
2. The bill appears to have wide based support from statewide recreational organizations such as the Florida Recreation and Parks Association, the Florida Trail Association, Affiliated Horsemen's Organizations of Florida, the Canoeing and Kayaking Association, and the Florida Sports Paddlers Association, as well as various community groups and local governments.
3. It appears that conflicts could arise between DOT and DNR over which rail ROW are priorities for each agency.
4. DNR had requested \$6.75 million for a first year appropriation on the RTT program in their budget. This would have been used to acquire approximately 70 miles of ROW. This bill provides a \$3.6 appropriation which is intended to be used for acquisition and development and \$111,761 for new positions for the first year. The continuation of this program is jeopardized by the lack of a continuing funding source.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Stephens</u> <i>JS</i>	<u>Voigt</u> <i>W</i>	1. <u>NRC</u>	<u>C/S</u>
2. _____	_____	2. <u>TR</u>	_____
3. _____	_____	3. <u>AP</u>	_____
4. _____	_____	4. _____	_____

SUBJECT:

Recreational Trails

BILL NO. AND SPONSOR:

CS/SB 778 by NRC Committee  
& Senator Kirkpatrick

I. SUMMARY:

A. Present Situation:

Chapter 260, Florida Statutes, is known as the Florida Recreational Trails Act of 1979. In this chapter the Legislature declares that it is public policy to provide the means and procedures for establishing and expanding a network of recreational and scenic trails in the state. The trails are to serve to encourage horseback riding, hiking, bicycling, canoeing, and jogging. The chapter provides for acquisition of land for trails and delineates the general powers of the Department of Natural Resources' Division of Recreation and Parks for this program. Although this program was originally authorized in 1979, positions and funding for implementation of this program were not appropriated until 1985. Since 1985, the efforts for this program have been increased and the "Rails to Trails" (RTT) program is one component of the entire recreational trails program.

Currently, about 1,000 miles of trails are designated in the state trails system. Of that number, 76 miles are designated as hiking trails, with the rest designated as canoe trails. A 1985 supply/demand needs analysis, conducted by the Department of Natural Resources in developing its State Comprehensive Outdoor Recreation Plan, included the following estimates of recreational trails needs throughout the state:

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In 1920, there were some 260,000 miles of track in rail service. Today, there are 145,000 miles in service and by the year 2000, it is estimated that only 100,000 miles of track will be in service. As lines are dropped from service, the corridors are used for development, agriculture, dumping areas for trash, etc. According to National Geographic, 27 percent of all adult Americans participate in day hikes, 35 percent in bird watching and nature study, 42 percent in running or



jogging, 46 percent in biking, and 84 percent in walking for pleasure. Abandoned rail corridors could serve as linear parks to accommodate both human recreational and access uses, and conservation trails for wildlife protection and migration. Although abandoned rail corridors may be most scenic in rural and generally undisturbed areas, there is a significant need for these linear parks in urban areas where open space is at a premium.

The problems encountered in acquiring these rights-of-way include: a) notice of upcoming abandonments is poor to non-existent, b) title problems are complex, c) monies are not available to acquire in a time frame that meets the disposal needs of a railroad; and d) agencies or groups who will maintain the property need to be identified.

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The DNR has identified 225 miles of trail in Florida available now for purchase or soon to be available. DOT estimates the cost of these 225 miles or 2,500 acres of rail rights-of-way at approximately \$18 million.

**B. Effect of Proposed Changes:**

The Legislature would declare that the legislative intent is to provide for the acquisition of abandoned railroad rights-of-way for use as public recreational trails. The Florida Rails to Trails Program would be established for the purpose of acquiring and developing abandoned railroad rights-of-way for public recreational trail use. DNR would be authorized to acquire, for the trails program in general, land by gift or purchase of the fee simple absolute title or any lesser interest. DNR would be authorized to use eminent domain for RTT parcels in order to cure a defect in title. Abandoned railroad rights-of-way would be acquired according to the acquisition procedures for projects valued at less than \$250,000 described in Chapter 253, F.S. Under the RTT Program, the Board of Trustees of the Internal Improvement Trust Fund could a) accept title, including nonmarketable title, to abandoned railroad rights-of-way purchased or leased by or donated to DNR and for areas abutting the subject rights-of-way which are needed for the construction of trail user support facilities; and b) accept title to abandoned railroad rights-of-way which is conveyed by quitclaim deed through purchase, dedication, gift, grant, or settlement.

DNR would be allowed to grant the use of a right-of-way which had been acquired by fee title for trails to others if it did not interfere with the purposes of the recreational trails program. DNR could also transfer a recreational trail, easement, or right-of-way to a local governmental agency having jurisdiction over the area where the subject land is located if the local agency agrees to maintain the recreational trail, easement, or right-of-way for recreation in accordance with DNR rules and Chapter 260, F.S.

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When DOT acquires abandoned railroad rights-of-way for future transportation, DOT would be required to lease the subject rights-of-way to interested agencies or organizations for an interim public recreational trail use if:

- a) the use had been requested by the agency or organization
- b) the agency or organization assumed, in writing, all liability and management responsibilities DOT would require; and
- c) the use for recreation would not interfere with ultimate transportation purposes.

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Persons who provide land to the public for outdoor recreational use would not:

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These limits of liability would not apply if there was a charge for entering or using the land, or if any activity where profit was derived from the patronage of the general public was conducted on the land.

The Florida Recreational Trails Council would expire on July 1, 1997, and would be reviewed by the Legislature pursuant to s. 11.611, F.S., prior to that date.

The sum of \$3.6 million would be appropriated from the General Revenue Fund for FY 1987-1988 to the Land Acquisition Trust Fund for the Rails to Trails Program. The sum of \$111,761 would be appropriated from the General Revenue Fund for a Planner II, a Land Acquisition Agent, and a Secretary Specialist to staff the Rails to Trails Program.

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A. Public:

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IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Stephens</u>	<u>Voyt</u>	1. <u>NRC</u>	<u>FAV/CS</u>
2. <u>Johnson</u>	<u>Garquison</u>	2. <u>TR</u>	
3. _____		3. <u>AP</u>	
4. _____		4. _____	

SUBJECT:

Recreational Trails

BILL NO. AND SPONSOR:

CS/SB 778 by  
Natural Resources and  
Senator Kirkpatrick

I. SUMMARY:

A. Present Situation:

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- 16 miles in nature study trails.

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The DNR has identified 225 miles of trail in Florida available now for purchase or soon to be available. DOT estimates the cost of these 225 miles or 2,500 acres of rail rights-of-way at approximately \$18 million.

B. Effect of Proposed Changes:

The Legislature would declare that the legislative intent is to provide for the acquisition of abandoned railroad rights-of-way for use as public recreational trails. The Florida Rails to Trails Program (RTT) would be established for the purpose of

acquiring and developing abandoned railroad rights-of-way for public recreational trail use. DNR would be authorized to acquire, for the trails program in general, land by gift or purchase of the fee simple absolute title or any lesser interest. DNR would be authorized to use eminent domain for RTT parcels in order to cure a defect in title. Abandoned railroad rights-of-way would be acquired according to the acquisition procedures for projects valued at less than \$250,000 described in Chapter 253, F.S. Under the RTT Program, the Board of Trustees of the Internal Improvement Trust Fund could a) accept title, including nonmarketable title, to abandoned railroad rights-of-way purchased or leased by or donated to DNR and for areas abutting the subject rights-of-way which are needed for the construction of trail user support facilities; and b) accept title to abandoned railroad rights-of-way which is conveyed by quitclaim deed through purchase, dedication, gift, grant, or settlement.

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The Division of Recreation and Parks would be required to:

- a) Evaluate existing and potential abandoned railroad rights-of-way to identify the corridors which are suitable for acquisition for recreational trail use and compile a list of suitable corridors, ranking them in order of priority for proposed acquisition. Projects would be evaluated on such things as: current and future recreational need; potential for local participation in acquisition, development, operation, or maintenance; costs of acquisition, development, operation and maintenance; and time of availability of rights-of-way.
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- c) Provide information to governmental agencies and the public on abandoned rail corridors which could be acquired or leased for interim recreational use. The information would include probable costs of purchase or lease.

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When DOT acquires abandoned railroad rights-of-way for future transportation, DOT would be required to lease the subject rights-of-way to interested agencies or organizations for an interim public recreational trail use if:

- a) the use had been requested by the agency or organization

- b) the agency or organization assumed, in writing, all liability and management responsibilities DOT would require; and
- c) the use for recreation would not interfere with ultimate transportation purposes.

If DOT determined that a right-of-way which was leased for recreational use was needed for transportation, DOT would work with the leasing agency to accommodate the two uses whenever feasible. Persons who provide land to the public for outdoor recreational use would not:

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- b) incur any duty of care toward a person who goes on the land
- c) become liable or responsible for an injury to persons or property caused by the act or omission of a person who goes on the land.

These limits of liability would not apply if there was a charge for entering or using the land, or if any activity where profit was derived from the patronage of the general public was conducted on the land.

The Florida Recreational Trails Council would expire on July 1, 1997, and would be reviewed by the Legislature pursuant to s 11.611, F.S., prior to that date.

The sum of \$3.6 million would be appropriated from the General Revenue Fund for FY 1987-1988 to the Land Acquisition Trust Fund for the Rails to Trails Program. The sum of \$111,761 would be appropriated from the General Revenue Fund for a Planner II, a Land Acquisition Agent, and a Secretary Specialist to staff the Rails to Trails Program.

## II. ECONOMIC IMPACT AND FISCAL NOTE:

### A. Public:

Interim recreational use of right-of-way purchased by DOT for future transportation use is a visible means of giving the public a return on their investment until intensive transportation development is timely. The acquisition of rail right-of-way by DNR will provide for permanent recreational trails for public use.

### B. Government:

The sum of \$3,711,761 would be taken from the General Revenue Fund to fund the first year of DNR's RTT program acquisition, development, and administration. DNR has a need for three positions to carry out the rails to trails section of the trails program. The cost for these positions is included in the general revenue appropriation described above.

DOT will be required to work closely with DNR on rail right-of-way abandonments, but this should not require additional staff.

## III. COMMENTS:

The problems encountered in acquiring these rights-of-way include: a) notice of upcoming abandonments is poor to non-existent, b) title problems are complex, c) monies are not available to acquire in a time frame that meets the disposal needs of a railroad; and d) agencies or groups who will maintain the property need to be identified.

DNR had requested \$6.75 million for a first year appropriation on the RTT program in their budget. This would have been used to acquire approximately 70 miles of right-of-way. This bill provides

a \$3.6 appropriation which is intended to be used for acquisition and development and \$111,761 for new positions for the first year.

IV. AMENDMENTS:

None

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Stephens</u>	<u>Voigt</u>	1. <u>NRC</u>	<u>FAV. CS</u>
2. <u>Johnson</u>	<u>Garquilon</u>	2. <u>TR.</u>	<u>FAV/2 Amends.</u>
3. _____	_____	3. <u>AP</u>	_____
4. _____	_____	4. _____	_____

SUBJECT:

Recreational Trails

BILL NO. AND SPONSOR:

CS/SB 778 by  
Natural Resources and  
Senator Kirkpatrick

I. SUMMARY:

A. Present Situation:

Chapter 260, Florida Statutes, is known as the Florida Recreational Trails Act of 1979. In this chapter the Legislature declares that it is public policy to provide the means and procedures for establishing and expanding a network of recreational and scenic trails in the state. The trails are to serve to encourage horseback riding, hiking, bicycling, canoeing, and jogging. The chapter provides for acquisition of land for trails and delineates the general powers of the Department of Natural Resources' Division of Recreation and Parks for this program. Although this program was originally authorized in 1979, positions and funding for implementation of this program were not appropriated until 1985. Since 1985, the efforts for this program have been increased and the "Rails to Trails" (RTT) program is one component of the entire recreational trails program.

Currently, about 1,000 miles of trails are designated in the state trails system. Of that number, 76 miles are designated as hiking trails, with the rest designated as canoe trails. A 1985 supply/demand needs analysis, conducted by the Department of Natural Resources (DNR) in developing its State Comprehensive Outdoor Recreation Plan, included the following estimates of recreational trails needs throughout the state:

- 2,739 miles in bike trails
- 1,052 miles in hiking trails
- 938 miles in horseback riding trails
- 16 miles in nature study trails

In 1986, the Legislature appropriated \$590,000 for development of the first RTT project. The project, a 16 mile abandoned rail right-of-way (R/W) between Tallahassee and St. Marks, is being acquired by the Department of Transportation (DOT) for future transportation use. The designated "interim" use is as a recreational trail for horseback riders, hikers, joggers, and bicyclists. DNR is responsible for construction of the trail and its management. Groundbreaking for the project occurred on April 20, 1987, and the trail is expected to open officially on Labor Day, 1987. This first project has been well supported by the citizenry in the local community and trail groups around the state.

The DNR has identified 225 miles of trail in Florida available now for purchase or soon to be available. DOT estimates the cost of these 225 miles or 2,500 acres of rail rights-of-way at approximately \$18 million.

B. Effect of Proposed Changes:

The Legislature would declare that the legislative intent is to provide for the acquisition of abandoned railroad rights-of-way for use as public recreational trails. The Florida Rails to Trails Program (RTT) would be established for the purpose of



acquiring and developing abandoned railroad rights-of-way for public recreational trail use. DNR would be authorized to acquire, for the trails program in general, land by gift or purchase of the fee simple absolute title or any lesser interest. DNR would be authorized to use eminent domain for RTT parcels in order to cure a defect in title. Abandoned railroad rights-of-way would be acquired according to the acquisition procedures for projects valued at less than \$250,000 described in Chapter 253, F.S. Under the RTT Program, the Board of Trustees of the Internal Improvement Trust Fund could a) accept title, including nonmarketable title, to abandoned railroad rights-of-way purchased or leased by or donated to DNR and for areas abutting the subject rights-of-way which are needed for the construction of trail user support facilities; and b) accept title to abandoned railroad rights-of-way which is conveyed by quitclaim deed through purchase, dedication, gift, grant, or settlement.

DNR would be allowed to grant the use of a right-of-way which had been acquired by fee title for trails to others if it did not interfere with the purposes of the recreational trails program. DNR could also transfer a recreational trail, easement, or right-of-way to a local governmental agency having jurisdiction over the area where the subject land is located if the local agency agrees to maintain the recreational trail, easement, or right-of-way for recreation in accordance with DNR rules and Chapter 260, F.S.

The DNR Division of Recreation and Parks would be authorized to appoint a Florida Recreational Trails Council which would provide advisory assistance to the Division. The Division would establish the duties, structure, and responsibilities of the Council by rule. Council members would be reimbursed only for per diem and travel expenses in accordance with s. 112.061, F.S.

The Division of Recreation and Parks would be required to:

- a) Evaluate existing and potential abandoned railroad rights-of-way to identify the corridors which are suitable for acquisition for recreational trail use and compile a list of suitable corridors, ranking them in order of priority for proposed acquisition. Projects would be evaluated on such things as: current and future recreational need; potential for local participation in acquisition, development, operation, or maintenance; costs of acquisition, development, operation and maintenance; and time of availability of rights-of-way.
- b) Maintain an updated list of abandoned and to-be-abandoned railroad rights-of-way.
- c) Provide information to governmental agencies and the public on abandoned rail corridors which could be acquired or leased for interim recreational use. The information would include probable costs of purchase or lease.

The Department of Transportation (DOT) would be required to provide information to the Department of Natural Resources on abandoned or to-be-abandoned railroad rights-of-way upon request. The Department of Natural Resources and DOT would be required to develop a memorandum of understanding to coordinate their evaluation and priorities of such potential rail acquisitions. The memorandum would be submitted to the Senate, House of Representative, and Governor within 20 days of the effective date of the act.

When DOT acquires abandoned railroad rights-of-way for future transportation, DOT would be required to lease the subject rights-of-way to interested agencies or organizations for an interim public recreational trail use if:

- a) the use had been requested by the agency or organization

- b) the agency or organization assumed, in writing, all liability and management responsibilities DOT would require, and
- c) the use for recreation would not interfere with ultimate transportation purposes

If DOT determined that a right-of-way which was leased for recreational use was needed for transportation, DOT would work with the leasing agency to accommodate the two uses whenever feasible. Persons who provide land to the public for outdoor recreational use would not.

- a) be presumed to extend assurances that the land is safe
- b) incur any duty of care toward a person who goes on the land
- c) become liable or responsible for an injury to persons or property caused by the act or omission of a person who goes on the land

These limits of liability would not apply if there was a charge for entering or using the land, or if any activity where profit was derived from the patronage of the general public was conducted on the land.

The Florida Recreational Trails Council would expire on July 1, 1997, and would be reviewed by the Legislature pursuant to s. 11.611, F.S., prior to that date.

The sum of \$3.6 million would be appropriated from the General Revenue Fund for FY 1987-1988 to the Land Acquisition Trust Fund for the Rails to Trails Program. The sum of \$111,761 would be appropriated from the General Revenue Fund for a Planner II, a Land Acquisition Agent, and a Secretary Specialist to staff the Rails to Trails Program.

## II. ECONOMIC IMPACT AND FISCAL NOTE

### A. Public:

Interim recreational use of right-of-way purchased by DOT for future transportation use is a visible means of giving the public a return on their investment until intensive transportation development is timely. The acquisition of rail right-of-way by DNR will provide for permanent recreational trails for public use.

### B. Government:

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DOT will be required to work closely with DNR on rail right-of-way abandonments, but this should not require additional staff.

## III. COMMENTS:

The problems encountered in acquiring these rights-of-way include: a) notice of upcoming abandonments is poor to non-existent, b) title problems are complex, c) monies are not available to acquire in a time frame that meets the disposal needs of a railroad; and d) agencies or groups who will maintain the property need to be identified.

DNR had requested \$6.75 million for a first year appropriation on the RTT program in their budget. This would have been used to acquire approximately 70 miles of right-of-way. This bill provides

a \$3.6 appropriation which is intended to be used for acquisition and development and \$111,761 for new positions for the first year

IV. AMENDMENTS:

#1 by Transportation:

Removes the provisions relating to a specific appropriation

#2 by Transportation

Title amendment

CS/SB 778

CODING: Words stricken are deletions; words underlined are additions  
 \*\*\*\*\*  
 \* Amendment No. 02, taken up by Committee: 05/07/87 Adopted X \*  
 \* Offered by \_\_\_\_\_ Failed \_\_\_\_\_ \*  
 \*\*\*\*\*  
 (Amendment No. \_\_\_ Adopted: \_\_\_ Failed: \_\_\_ Date \_\_, \_\_, \_\_)

## SENATE APPROPRIATIONS SUBCOMMITTEE "

MEMORANDUMDATE: April 16 1987

TO: Senator James A. Scott, Chairman  
Senate Appropriations Committee  
201 Capitol  
Tallahassee, Florida 32399-1100

RECEIVED

FROM:

SENATE TRANSPORTATION  
COMMITTEE

Following is the information requested on Bill No. 778 :

## SUMMARY OF BILL PURPOSES:

The bill authorizes the Department of Natural Resources to acquire and develop abandoned railroad rights-of-way for use as recreational trails. It specifies land acquisition procedures, authorizes the Board to accept quitclaim deeds, grants DNR limited power of eminent domain to cure defects in title, and authorizes DNR to transfer title to a local government. The bill mandates cooperation and coordination between DNR and the Department of Transportation in acquiring abandoned railroad rights-of-way. The bill authorizes the Division of Recreation and Parks to establish a trails advisory council. It limits the liability of persons who make certain lands available for recreation without charge. Further, the bill appropriates \$3.6 million to the LATF to acquire abandoned railroad rights-of-way and \$111,761 and 3 positions to DNR to implement the Act.

## AGENCY REQUIREMENTS TO ADMINISTER THE BILL PROVISIONS (EACH OF NEXT THREE YEARS), PERSONNEL AND FINANCIAL, AND SOURCE OF FUNDS:

The appropriations provisions of the bill minimize fiscal impact on the Department for the 1987/88 fiscal year in the next biennium, the staffing level specified in the bill should remain the same. If staff positions and program monies aren't appropriated, the level of program activity specified in the bill could not be accomplished with current staffing and funding. Staff recommends that over the next two fiscal years, appropriations for land acquisition and development be increased as follows. FY 1988/89 - \$7.9 million, FY 1989/90 - \$4.1 million.

## AMOUNT AND DISPOSITION OF ANY ANTICIPATED REVENUE COLLECTIONS (EACH OF NEXT THREE YEARS): Not applicable.

## EFFECT OF THE BILL ON LOCAL GOVERNMENT UNITS OF THE STATE:

This bill does not negatively impact local governments. In fact, local governments stand to benefit from the bill in two ways. First, as part of required program activities, staff will be able to provide local governments with more complete and timely information about opportunities to acquire abandoned railroad rights-of-way. Also, the bill authorizes DNR to transfer title of rights-of-way acquired under the rails-to-trails program to local governments interested in developing or operating them for recreational purposes.

## OTHER COMMENTS OR SUGGESTIONS CONCERNING THE BILL:

The need for legislation authorizing a rails-to-trails program, funding for acquisition and development, and revised land acquisition procedures was identified in the report "Implementing a Rails-to-Trails Program in Florida" submitted to the Governor and Cabinet by the Department in May, 1986. Since that time, rails-to-trails activities have been undertaken as a non-funded, non-staffed activity as the availability of staff time permits.

**Journal**  
**of the**  
**S E N A T E**  
**State of Florida**

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**NINETEENTH REGULAR SESSION**  
**UNDER THE CONSTITUTION AS REVISED IN 1968**  
**APRIL 7 THROUGH JUNE 6, 1987**

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Nays—20

Mr. President	Girardeau	Lehtinen	Scott
Beard	Hair	Margolis	Stuart
Brown	Jenne	Meek	Thurman
Dudley	Johnson	Myers	Weinstock
Frank	Kirkpatrick	Peterson	Woodson

Amendment 1 was adopted

Senator Kirkpatrick moved the following amendment which was adopted.

**Amendment 2**—In title, on page 1, lines 1-29, strike all of said lines and insert: A bill to be entitled An act relating to saltwater fisheries, amending s 370.01, F.S.; defining "restricted species"; amending s 370.06, F.S., specifying persons who must have a saltwater products license, requiring a restricted species endorsement on a saltwater products license, for certain purposes, providing restrictions on issuance of such endorsement; providing exemptions; limiting persons to whom saltwater products may be sold, prohibiting certain purchase of restricted species, requiring a saltwater products license for certain harvest levels; amending s 370.14, F.S., providing a fee for certain harvest by any other method; changing fee disposition, requiring a saltwater products license for certain harvest of crawfish, authorizing the Department of Natural Resources to implement a trap retrieval program; providing a retrieval fee, conditioning renewal of a trap number upon payment of such fees, providing for waiver under certain circumstances, amending s 370.021, F.S., authorizing the Department of Natural Resources to assess civil penalties, for the unintentional killing of certain protected species of fish during legal fishing operations; providing for the collection of civil penalties, authorizing license suspension for nonpayment; providing for administrative hearings, providing the amount of such civil penalties, providing that such civil penalties be deposited into the Marine Biological Research Trust Fund, providing that this act does not affect the scheduled repeal of certain provisions of the Florida Statutes or Laws of Florida, providing an effective date

On motion by Senator Kirkpatrick, by two-thirds vote CS for CS for SB 392 as amended was read the third time by title, passed, ordered engrossed and then certified to the House The vote on passage was:

Yeas—30

Mr President	Grizzle	Malchon	Stuart
Barron	Hill	Margolis	Thomas
Beard	Jenne	Meek	Thurman
Brown	Johnson	Myers	Weinstein
Crenshaw	Kirkpatrick	Peterson	Weinstock
Dudley	Kiser	Plummer	Woodson
Frank	Langley	Ros-Lehtinen	
Gordon	Lehtinen	Scott	

Nays—3

Childers, W D Hollingsworth McPherson

Vote after roll call

Yea—Jennings

Yea to Nay—Barron

On motions by Senator Kirkpatrick, by two-thirds vote CS for HB 763 was withdrawn from the Committees on Natural Resources and Conservation, Finance, Taxation and Claims, and Appropriations

On motion by Senator Kirkpatrick—

**CS for HB 763**—A bill to be entitled An act relating to alligators; amending s 372.664, F.S., providing an exception to state law relative to prima facie evidence of intent to violate laws protecting alligators; creating s 372.6671, F.S., providing definitions, creating s 372.6672, F.S., providing for the authority of the Game and Fresh Water Fish Commission with respect to an alligator management and trapping program, prohibiting acts constituting a conflict of interest, requiring notice of state-sanctioned sales, authorizing marketing of certain alligator hides or products, creating s 372.6673, F.S., prohibiting the issuance of certain licenses for persons convicted of certain violations, providing for trapping licenses for the taking or possession of alligators, providing fees, creating s 372.6674, F.S., providing for required tagging of alligators and alligator hides, providing for fees and revenues, creating s. 372.6676, F.S., provid-

ing for alligator study requirements, amending s 372.6645, F.S., relating to the license required to sell alligator products, providing an appropriations, providing an effective date

—a companion measure, was substituted for CS for SB 486 and read the second time by title On motion by Senator Kirkpatrick, by two-thirds vote CS for HB 763 was read the third time by title, passed and certified to the House The vote on passage was:

Yeas—38

Mr President	Frank	Kiser	Ros-Lehtinen
Barron	Girardeau	Langley	Scott
Beard	Gordon	Lehtinen	Stuart
Brown	Grant	Malchon	Thomas
Childers, D	Grizzle	Margolis	Thurman
Childers, W D	Hill	McPherson	Weinstein
Crawford	Hollingsworth	Meek	Weinstock
Crenshaw	Jenne	Myers	Woodson
Deratany	Johnson	Peterson	
Dudley	Kirkpatrick	Plummer	

Nays—None

Vote after roll call

Yea—Jennings

CS for SB 486 was laid on the table

On motion by Senator Scott, the rules were waived and the Senate reverted to—

#### MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote Senate Bills 1129 and 595 and CS for SB 421 were withdrawn from the Committee on Appropriations

On motions by Senator Kiser, by two-thirds vote CS for HB 226 was withdrawn from the Committee on Finance, Taxation and Claims and by two-thirds vote placed on the special order calendar.

#### SPECIAL ORDER, continued

**CS for SB 778**—A bill to be entitled An act relating to recreational trails, amending s 260.012, F.S.; providing legislative intent; amending s 260.013, F.S., providing a definition; creating s 260.0141, F.S.; establishing the Florida Rails to Trails Program; amending s 260.015, F.S., prescribing powers of the Department of Natural Resources with respect to certain land acquisition, authorizing the Board of Trustees of the Internal Improvement Trust Fund to accept title to abandoned railroad rights-of-way, as specified, amending s 260.016, F.S.; providing powers of the Division of Recreation and Parks, providing for appointment of the Florida Recreational Trails Council, providing for reimbursement, creating s 260.0161, F.S.; providing for duties of the Department of Transportation and for coordination between that department and the Department of Natural Resources, requiring a memorandum of understanding; providing guidelines for leasing rights-of-way to a public agency or a private organization for use as a public recreational trail, amending s 375.251, F.S., providing for certain limitations on liability, providing for future repeal and review of the council, providing an appropriation; providing an effective date

—was read the second time by title

The Committee on Transportation recommended the following amendments which were moved by Senator Kirkpatrick and adopted

**Amendment 1**—On page 10, lines 7-17, strike all of said lines and insert

(Renumber subsequent sections )

**Amendment 2**—In title, on page 1, line 28, strike "providing an appropriation"

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 778 as amended was read the third time by title, passed, ordered engrossed and then certified to the House The vote on passage was

Yeas—34

Mr President	Dudley	Kirkpatrick	Ros-Lehtinen
Barron	Frank	Kiser	Scott
Beard	Girardeau	Lehtinen	Stuart
Brown	Gordon	Malchon	Thomas
Childers, D	Grizzle	Margolis	Thurman
Childers, W D	Hair	McPherson	Weinstein
Crawford	Hollingsworth	Meek	Woodson
Crenshaw	Jenne	Myers	
Deratany	Johnson	Plummer	

Nays—None

Vote after roll call.

Yea—Jennings

On motions by Senator Plummer, by two-thirds vote CS for HB 562 was withdrawn from the Committees on Natural Resources and Conservation and Appropriations.

On motion by Senator Plummer—

CS for HB 562—A bill to be entitled An act relating to natural resources; creating the "Florida Area of Critical State Concern Restoration Trust Fund Act", providing definitions; providing legislative findings and purposes, creating the Florida Area of Critical State Concern Restoration Trust Fund in the Department of Natural Resources and providing for deposit of certain damages recovered by the state therein, prescribing purposes and procedures for expenditures from the fund, repealing s 370.116, F S, relating to the Coral Reefs Restoration Trust Fund, providing for the transfer of unencumbered funds into the Florida Area of Critical State Concern Trust Fund, providing an effective date

—a companion measure, was substituted for SB 857 and read the second time by title On motion by Senator Plummer, by two-thirds vote CS for HB 562 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr President	Frank	Kirkpatrick	Ros-Lehtinen
Barron	Girardeau	Kiser	Scott
Beard	Gordon	Langley	Stuart
Brown	Grant	Lehtinen	Thurman
Childers, D	Grizzle	Malchon	Weinstein
Childers, W D	Hair	Margolis	Weinstock
Crenshaw	Hill	Meek	Woodson
Deratany	Hollingsworth	Peterson	
Dudley	Jenne	Plummer	

Nays—None

Vote after roll call

Yea—Jennings

SB 857 was laid on the table.

On motions by Senator McPherson, by two-thirds vote CS for HB 537 was withdrawn from the Committees on Natural Resources and Conservation and Appropriations.

On motion by Senator McPherson—

CS for HB 537—A bill to be entitled An act relating to regulation of oil and gas resources, amending s 377.22, F.S.; providing for forms of security other than a bond as a condition to perform certain activities; creating s. 377.2409, F S, requiring that information about geophysical activities be furnished to the Division of Resource Management of the Department of Natural Resources; providing for confidentiality of information, providing penalty for wrongful disclosure; amending s 377.24, F S, changing fee-setting standards; requiring division approval for abandonment of wells; amending s 377.2424, F S, providing for confidentiality of permit information given to counties and municipalities, for which there are penalties for failure to comply, providing an effective date.

—a companion measure, was substituted for CS for SB 563 and read the second time by title On motion by Senator McPherson, by two-thirds vote CS for HB 537 was read the third time by title, passed and certified to the House The vote on passage was

Yeas—37

Mr President	Girardeau	Kiser	Ros-Lehtinen
Barron	Gordon	Langley	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Grizzle	Malchon	Thurman
Childers, D.	Hair	Margolis	Weinstein
Childers, W D	Hill	McPherson	Weinstock
Crenshaw	Hollingsworth	Meek	Woodson
Deratany	Jenne	Myers	
Dudley	Johnson	Peterson	
Frank	Kirkpatrick	Plummer	

Nays—None

Vote after roll call

Yea—Jennings

CS for SB 563 was laid on the table

SB 273—A bill to be entitled An act relating to motorcycle riders; amending s. 316.211, F S, exempting persons of a specified age from certain safety equipment requirements, providing an effective date

—was read the second time by title On motion by Senator Hill, by two-thirds vote SB 273 was read the third time by title, passed and certified to the House The vote on passage was:

Yeas—23

Mr President	Girardeau	Kiser	Myers
Barron	Grant	Langley	Peterson
Childers, W D	Hair	Lehtinen	Plummer
Crenshaw	Hill	Margolis	Scott
Dudley	Hollingsworth	McPherson	Thurman
Frank	Johnson	Meek	

Nays—11

Brown	Grizzle	Ros-Lehtinen	Weinstock
Childers, D	Jenne	Stuart	Woodson
Gordon	Malchon	Weinstein	

Consideration of CS for SB 663 was deferred.

On motions by Senator McPherson, by two-thirds vote HB 1471 was withdrawn from the Committees on Natural Resources and Conservation, Finance, Taxation and Claims, and Appropriations.

On motion by Senator McPherson—

HB 1471—A bill to be entitled An act relating to vessels, amending s 328.03, F S; providing for an additional fee for late title transfer application, amending s 328.11, F.S, increasing fee for issuing a duplicate title certificate, providing for expedited service for issuing a duplicate title certificate; providing an effective date

—a companion measure, was substituted for CS for SB 110 and read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 1471 was read the third time by title, passed and certified to the House The vote on passage was.

Yeas—34

Mr. President	Dudley	Johnson	Ros-Lehtinen
Barron	Frank	Kirkpatrick	Scott
Beard	Girardeau	Kiser	Stuart
Brown	Gordon	Langley	Thomas
Childers, D	Grant	Lehtinen	Weinstein
Childers, W D	Hair	Malchon	Weinstock
Crawford	Hill	Margolis	Woodson
Crenshaw	Hollingsworth	McPherson	
Deratany	Jenne	Myers	

Nays—None

Vote after roll call.

Yea—Jennings, Meek, Peterson, Thurman

CS for SB 110 was laid on the table

On motions by Senator Kiser, by two-thirds vote CS for CS for HB 279 was withdrawn from the Committees on Transportation, Finance, Taxation and Claims; and Appropriations.

By the Committee on Natural Resources and Representative Martin

This publication was produced at an average cost of 15 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public

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A bill to be entitled  
An act relating to the recreational trails system; amending s. 260.012, F.S.; providing legislative intent to provide for the acquisition of abandoned railroad rights-of-way for use as recreational trails; amending s. 260.013, F.S.; providing a definition; creating s. 260.0141, F.S.; providing for a Florida Rails to Trails Program; amending s. 260.015, F.S., providing for the authority of the Department of Natural Resources to acquire land under the Florida Recreational Trails Act of 1979; providing for the powers of the Board of Trustees of the Internal Improvement Trust Fund for the purposes of the Florida Rails to Trails Program, amending s. 260.016, F.S.; providing for the powers and duties of the Division of Recreation and Parks under the act; providing for the appointment of an advisory body known as the Florida Recreational Trails Council; creating s. 260.0161, F.S.; providing for the responsibilities of the Department of Transportation with respect to abandoned and to-be-abandoned railroad rights-of-way and with respect to the act; amending s. 375.251, F.S., relating to the limitation on liability of persons making available to the public areas for recreational purposes, to include reference to land; providing appropriations, providing for review and repeal; providing an effective date.



1	WHEREAS, the Legislature recognizes the importance of	1.16
2	providing the public with access to Florida's outdoor areas	
3	for recreation, enjoyment, and appreciation, and	1.17
4	WHEREAS, it is the Legislature's intent to conserve and	1.17
5	develop the natural resources of this state for healthful and	1.18
6	recreational purposes, and	1.19
7	WHEREAS, the Legislature finds that Florida's	1.19
8	recreational trails accommodate a variety of outdoor	1.20
9	activities, including walking, hiking, bicycling, jogging,	
10	canoeing, and horseback riding, while also providing access to	1.21
11	other recreational activities such as sightseeing, fishing,	1.22
12	picnicking, swimming, and camping, and	
13	WHEREAS, the Legislature has, in chapter 260, Florida	1.23
14	Statutes, declared it to be the public policy of this state to	
15	provide the means to establish and expand a network of scenic	1.24
16	recreational trails known as the "Florida Recreational Trails	1.25
17	System," and	
18	WHEREAS, the Legislature finds that abandoned railroad	1.25
19	rights-of-way are a unique source of land corridors which are,	1.26
20	in many cases, suitable for use as recreational trails, and	1.27
21	WHEREAS, railroad rights-of-way are being abandoned at	1.27
22	a high rate and are often sold in segments, thereby	1.28
23	fragmenting the original corridors and leaving unconnected	
24	segments which are unsuitable for acquisition for recreational	1.29
25	trail use, and	
26	WHEREAS, the Legislature finds that the preservation of	1.30
27	abandoned rail corridors for development and use as	
28	recreational trails is in the public interest, and	1.31
29	WHEREAS, the Legislature finds that a systematic and	1.32
30	continuing statewide program of acquiring abandoned railroad	
31		

1	rights-of-way is needed to preserve this unique and	1.33
2	irreplaceable source of recreational trails, NOW, THEREFORE,	1.34
3		
4	Be It Enacted by the Legislature of the State of Florida:	1:enc
5		
6	Section 1. Subsection (2) of section 260.012, Florida	1.34
7	Statutes, is amended to read:	
8	260.012 Declaration of policy and legislative	1.34
9	intent.--	
10	(2) It is the intent of the Legislature that	1.35
11	recreational trails be established within and without	1.36
12	boundaries of state parks and state forests and, when	1.37
13	feasible, to interconnect units of the state park and forest	1.38
14	system, as well as national forests and parks and such locally	1.39
15	maintained parks as may be appropriate. It is also the intent	1.40
16	of the Legislature to perpetuate the use of and provide access	
17	to regions and trails of special historic interest within the	1.42
18	state; <u>to provide for the acquisition of abandoned railroad</u>	
19	<u>rights-of-way for use as public recreational trails, to</u>	1.43
20	encourage the multiple use of public rights-of-way and use to	1.44
21	the fullest extent existing and future scenic roads, highways,	1.46
22	park roads, parkways, and national recreational trails, to	
23	encourage the development of recreational trails by counties,	1.48
24	cities, and special districts and to assist in such	
25	development by any means available; to coordinate recreational	1.49
26	trail plans and development by local governments with one	1.50
27	another and with the state government and Federal Government;	1.51
28	and to encourage, whenever possible, the development of	1.52
29	recreational trails on federal lands by the Federal	1.53
30	Government.	
31		

1	Section 2. Subsection (5) is added to section 260 013,	1.53
2	Florida Statutes, to read:	1 55
3	260.013 Definitions.--As used in ss. 260.011-260 018,	1.55
4	unless the context otherwise requires.	1.56
5	<u>(5) "Board" means the Board of Trustees of the</u>	1:1us
6	<u>Internal Improvement Trust Fund.</u>	1.59
7	Section 3. Section 260.0141, Florida Statutes, is	1.59
8	created to read:	1.60
9	<u>260.0141 Florida Rails to Trails Program.--There is</u>	1 lus
10	<u>established within the Florida Recreational Trails System the</u>	1.61
11	<u>Florida Rails to Trails Program, the purpose of which is to</u>	1.62
12	<u>acquire and develop abandoned railroad rights-of-way for</u>	1 63
13	<u>public recreational trail use. Such rights-of-way shall be</u>	1 64
14	<u>acquired pursuant to this chapter.</u>	
15	Section 4. Section 260.015, Florida Statutes, is	1.65
16	amended to read:	
17	260.015 Acquisition of land.--	1.65
18	(1) The <del>department division</del> is authorized to acquire	1.67
19	by gift or purchase the fee <u>simple absolute</u> title or any	1.68
20	lesser interest in land, including easements, for the purposes	1.69
21	of ss. 260.011-260.018 pursuant to the provisions of chapter	1.71
22	375, except that: <del>no power of eminent domain is conveyed to</del>	1.73
23	<del>the division by ss. 260.011-260.018.</del>	1.74
24	<u>(a) The department's power of eminent domain shall be</u>	1.75
25	<u>limited to curing defects in title accepted by the board</u>	
26	<u>pursuant to subsection (2).</u>	
27	<u>(b) Lists of proposed acquisitions for the Florida</u>	1:1us
28	<u>Rails to Trails Program shall be prepared according to the</u>	1.77
29	<u>provisions of s. 260.016</u>	
30	<u>(c) Abandoned railroad rights-of-way acquired under</u>	1.78
31	<u>this chapter shall not be subject to the evaluation and</u>	

1	<u>selection procedures of s. 259.035, regardless of the</u>	1.79
2	<u>estimated value of such projects. All abandoned railroad</u>	1.80
3	<u>rights-of-way projects shall be acquired in accordance with</u>	
4	<u>the acquisition procedures of chapter 253.</u>	1.81
5	(2) <u>For purposes of the Florida Rails to Trails</u>	1.83
6	<u>Program, the board is authorized to:</u>	1.84
7	(a) <u>Accept title, including nonmarketable title</u>	1:lus
8	<u>notwithstanding the provisions of s. 253.025(6), to abandoned</u>	2.2
9	<u>railroad rights-of-way purchased or leased by or donated to</u>	
10	<u>the department, and to any areas abutting such rights-of-way</u>	2.4
11	<u>which are needed for the construction of trail-user support</u>	2.5
12	<u>facilities; and</u>	2.6
13	(b) <u>Accept title to abandoned railroad rights-of-way</u>	1:lus
14	<u>which is conveyed by quitclaim deed through purchase,</u>	2.7
15	<u>dedication, gift, grant, or settlement, notwithstanding the</u>	2.8
16	<u>provisions of s. 253.025(1).</u>	
17	(3) <del>f2</del> <u>Easements and rights-of-way upon, over, under,</u>	2.9
18	<u>across, or along any land, the fee title of which has been</u>	
19	<u>acquired for the purposes of ss. 260.011-260.018, may be</u>	2.11
20	<u>granted by the <del>department division</del> so long as the use of</u>	1:lus
21	<u>permitted by the easement <u>or right-of-way</u> does not interfere</u>	1:lus
22	<u>with the purposes of ss. 260.011-260.018.</u>	2.14
23	(4) <del>f3</del> <u>The <del>department division</del> may transfer any</u>	1:lus
24	<u>recreational trail, <u>or easement, or right-of-way</u> to a local</u>	2.18
25	<u>governmental agency having jurisdiction over the area in which</u>	2.19
26	<u>the <u>recreational trail, easement, or right-of-way</u> is located</u>	2.21
27	<u>upon agreement by such local agency to maintain and operate</u>	2.22
28	<u>the recreational <u>trail, easement, or right-of-way for</u></u>	2.24
29	<u><u>recreational purposes</u> in a manner consistent with department</u>	2.26
30	<u>rules and the intent of ss. 260.011-260.018.</u>	2.27
31		

1	Section 5. Section 260.016, Florida Statutes, is	2 28
2	amended to read:	
3	260.016 General powers of Division of Recreation and	2.29
4	Parks.--	
5	(1) The Division of Recreation and Parks may:	2 31
6	(a) <del>f1</del> Publish and distribute appropriate maps of	2.33
7	recreational trails, including recommended extensions thereof.	
8	(b) <del>f2</del> Establish access routes and related primitive	1.10s
9	public-use facilities along recreational trails which will not	2.37
10	substantially interfere with the nature and purposes of the	
11	trail.	
12	(c) <del>f3</del> Promulgate appropriate rules for the use of	2.39
13	recreational trails.	
14	(d) <del>f4</del> Coordinate the activities of all governmental	2.40
15	units and bodies and special districts that desire to	2.42
16	participate in the development of the Florida Recreational	
17	Trails System.	2.43
18	(e) <u>Appoint an advisory body to be known as the</u>	2 46
19	<u>Florida Recreational Trails Council, which shall advise the</u>	
20	<u>division in the execution of its powers and duties within this</u>	2.47
21	<u>chapter. The division shall establish by rule the duties,</u>	2.48
22	<u>structure, and responsibilities of the council. Members of</u>	2.49
23	<u>the Florida Recreational Trails Council shall serve without</u>	
24	<u>compensation, but are entitled to be reimbursed for per diem</u>	2.50
25	<u>and travel expenses as provided in s. 112.061.</u>	
26	(2) <u>The Division of Recreation and Parks shall:</u>	1.1us
27	(a) <u>Evaluate existing and potential abandoned railroad</u>	2.52
28	<u>rights-of-way to identify the corridors which are suitable for</u>	2.54
29	<u>acquisition for recreational trail use and shall comprise a</u>	
30	<u>list of suitable corridors, ranking them in order of priority</u>	2.55
31	<u>for proposed acquisition. The division shall devise a method</u>	2.56

1	<u>of evaluation which includes, but is not limited to, the</u>	
2	<u>consideration of:</u>	2.57
3	<u>1. Current and future recreational need;</u>	1:lus
4	<u>2. Potential for local sharing in the acquisition,</u>	2.59
5	<u>development, operation, or maintenance of abandoned rail</u>	
6	<u>corridors;</u>	2.60
7	<u>3. Acquisition, development, operation, and</u>	1:lus
8	<u>maintenance costs; and</u>	2.61
9	<u>4 Time of availability of rights-of-way.</u>	2.63
10	<u>(b) Maintain an updated list of abandoned and to-be-</u>	2.64
11	<u>abandoned railroad rights-of-way. The division shall request</u>	2.66
12	<u>information on current and potential railroad abandonments</u>	
13	<u>from the Department of Transportation, the Interstate Commerce</u>	2.67
14	<u>Commission, and railroad companies operating within the state.</u>	2.69
15	<u>At a minimum, the division shall make such requests on a</u>	2.70
16	<u>quarterly basis</u>	
17	<u>(c) Provide information to public and private agencies</u>	2.73
18	<u>and organizations on abandoned rail corridors which are or</u>	
19	<u>will be available for acquisition from the railroads or for</u>	2.74
20	<u>lease for interim recreational use from the Department of</u>	2.75
21	<u>Transportation. Such information shall include, at a minimum,</u>	2.76
22	<u>probable costs of purchase or lease of the identified</u>	
23	<u>corridors.</u>	2.77
24	Section 6. Section 260.0161, Florida Statutes, is	2.78
25	created to read:	
26	<u>260.0161 Coordination with Department of</u>	1:lus
27	<u>Transportation.--</u>	2.79
28	<u>(1) Upon the request of the Department of Natural</u>	1:lus
29	<u>Resources, the Department of Transportation shall provide</u>	2.81
30	<u>information to the Department of Natural Resources on</u>	2.82
31	<u>abandoned and to-be-abandoned railroad rights-of-way.</u>	2.83

1	<u>(2) The Department of Transportation and the</u>	3.1
2	<u>Department of Natural Resources shall coordinate their</u>	3.2
3	<u>evaluations of potential acquisitions and their acquisition</u>	3 3
4	<u>priorities with respect to abandoned railroad rights-of-way in</u>	
5	<u>order to avoid competing for the same corridors. The</u>	3.5
6	<u>Department of Natural Resources and the Department of</u>	
7	<u>Transportation shall enter into a memorandum of understanding</u>	3.7
8	<u>which shall contain a method by which the coordination of</u>	
9	<u>evaluations and acquisition priorities is to be accomplished.</u>	3.9
10	<u>The memorandum of understanding shall be submitted to the</u>	3.10
11	<u>Speaker of the House of Representatives, the President of the</u>	3 11
12	<u>Senate, and the Governor within 120 days of the effective date</u>	3.12
13	<u>of this act.</u>	
14	<u>(3) Where the Department of Transportation has</u>	1:1us
15	<u>acquired abandoned railroad rights-of-way for future</u>	3.14
16	<u>transportation purposes, the Department of Transportation</u>	
17	<u>shall lease such rights-of-way to a public agency or private</u>	3.17
18	<u>organization for interim public recreational trail use when:</u>	
19	<u>(a) The public agency or private organization has</u>	1:1us
20	<u>requested use of the right-of-way for interim public</u>	3.18
21	<u>recreational trail use;</u>	
22	<u>(b) The public agency or private organization agrees</u>	3.20
23	<u>in writing to assume all liability and management</u>	
24	<u>responsibilities as defined by the Department of</u>	3.21
25	<u>Transportation; and</u>	
26	<u>(c) The use of the right-of-way as a recreational</u>	3.23
27	<u>trail does not interfere with the property's ultimate</u>	3.24
28	<u>transportation purposes.</u>	
29	<u>(4) When the Department of Transportation determines</u>	3 25
30	<u>that an abandoned railroad right-of-way which has been leased</u>	3 26
31	<u>for interim recreational trail use is needed for</u>	3.28

1	<u>transportation purposes, the Department of Transportation</u>	
2	<u>shall work with the leasing agency to accommodate, when</u>	3.29
3	<u>feasible, the existing trail use in conjunction with the use</u>	3.30
4	<u>of the right-of-way for transportation.</u>	
5	Section 7. Subsection (2) of section 375.251, Florida	3.31
6	Statutes, is amended to read	
7	375 251 Limitation on liability of persons making	3.32
8	available to public certain areas for recreational purposes	3.33
9	without charge --	
10	(2)(a) An owner or lessee who provides the public with	3.33
11	a park area <u>or other land</u> for outdoor recreational purposes	3.34
12	owes no duty of care to keep that park area <u>or land</u> safe for	3.36
13	entry or use by others, or to give warning to persons entering	
14	or going on that park area <u>or land</u> of any hazardous	3.38
15	conditions, structures, or activities thereon. An owner or	3.41
16	lessee who provides the public with a park area <u>or other land</u>	
17	for outdoor recreational purposes shall not by providing that	3.42
18	park area <u>or land</u>	
19	1. Be presumed to extend any assurance that such park	3.43
20	area <u>or land</u> is safe for any purpose,	3.44
21	2. Incur any duty of care toward a person who goes on	3.44
22	that park area <u>or land</u> , or	3.45
23	3. Become liable or responsible for any injury to	3.45
24	persons or property caused by the act or omission of a person	3.46
25	who goes on that park area <u>or land</u> .	3.47
26	(b) This section shall not apply if there is any	3.47
27	charge made or usually made for entering or using such park	3.48
28	area <u>or land</u> , or any part thereof, or if any commercial or	3.50
29	other <u>activity, whereby profit is derived from the patronage</u>	
30	<u>of the general public, for-profit</u> is conducted on such park	3.52
31	area <u>or land</u> , or any part thereof	3.54



1	Section 8. <u>(1) There is hereby appropriated from the</u>	3 55
2	<u>General Revenue Fund for fiscal year 1987-1988 the sum of \$3.6</u>	
3	<u>million to be credited to the Land Acquisition Trust Fund for</u>	3.56
4	<u>disbursement by the Department of Natural Resources for the</u>	3.58
5	<u>purposes of this act.</u>	
6	(2) <u>The sum of \$111,761 is hereby appropriated from</u>	1.1us
7	<u>the General Revenue Fund to the Department of Natural</u>	3.59
8	<u>Resources, and one Planner II position, one Land Acquisition</u>	
9	<u>Agent position, and one Secretary Specialist position are</u>	3.61
10	<u>hereby created within the Division of Recreation and Parks of</u>	
11	<u>the department, to carry out the purposes of this act.</u>	3.63
12	Section 9. <u>Paragraph (e) of subsection (1) of section</u>	3.63
13	<u>260.016, Florida Statutes, is repealed on October 1, 1997, and</u>	3.64
14	<u>the Florida Recreational Trails Council shall be reviewed by</u>	
15	<u>the Legislature pursuant to s. 11.611, Florida Statutes.</u>	3 65
16	Section 10. This act shall take effect July 1, 1987.	3.65
17		
18	*****	
19	HOUSE SUMMARY	
20	Revises the Florida Recreational Trails Act of 1979 to	
21	create a Florida Rails to Trails Program and to provide	
22	for the acquisition of abandoned railroad rights-of-way	
23	for use as public recreational trails. See bill for	
24	details.	
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By the Committees on Appropriations and Natural Resources and  
Representatives Martin and Wallace

This publication was produced at an average cost of 1.5 cents per  
 living page in compliance with the Rules and for the information  
 of members of the Legislature and the public.

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A bill to be entitled

An act relating to the recreational trails system; amending s. 260.012, F.S.; providing legislative intent to provide for the acquisition of abandoned railroad rights-of-way for use as recreational trails; amending s. 260.013, F.S.; providing a definition; creating s. 260.0141, F.S.; providing for a Florida Rails to Trails Program; amending s. 260.015, F.S.; providing for the authority of the Department of Natural Resources to acquire land under the Florida Recreational Trails Act of 1979; providing for the powers of the Board of Trustees of the Internal Improvement Trust Fund for the purposes of the Florida Rails to Trails Program; amending s. 260.016, F.S.; providing for the powers and duties of the Division of Recreation and Parks under the act; providing for the appointment of an advisory body known as the Florida Recreational Trails Council; creating s. 260.0161, F.S.; providing for the responsibilities of the Department of Transportation with respect to abandoned and to-be-abandoned railroad rights-of-way and with respect to the act; amending s. 375.251, F.S., relating to the limitation on liability of persons making available to the public areas for recreational purposes, to include reference to land; providing for review and repeal; providing an effective date.

1	WHEREAS, the Legislature recognizes the importance of	1.16
2	providing the public with access to Florida's outdoor areas	
3	for recreation, enjoyment, and appreciation, and	1.17
4	WHEREAS, it is the Legislature's intent to conserve and	1.17
5	develop the natural resources of this state for healthful and	1.18
6	recreational purposes, and	1.19
7	WHEREAS, the Legislature finds that Florida's	1.19
8	recreational trails accommodate a variety of outdoor	1.20
9	activities, including walking, hiking, bicycling, jogging,	
10	canoeing, and horseback riding, while also providing access to	1.21
11	other recreational activities such as sightseeing, fishing,	1.22
12	picnicking, swimming, and camping, and	
13	WHEREAS, the Legislature has, in chapter 260, Florida	1.23
14	Statutes, declared it to be the public policy of this state to	
15	provide the means to establish and expand a network of scenic	1.24
16	recreational trails known as the "Florida Recreational Trails	1.25
17	System," and	
18	WHEREAS, the Legislature finds that abandoned railroad	1.25
19	rights-of-way are a unique source of land corridors which are,	1.26
20	in many cases, suitable for use as recreational trails, and	1.27
21	WHEREAS, railroad rights-of-way are being abandoned at	1.27
22	a high rate and are often sold in segments, thereby	1.28
23	fragmenting the original corridors and leaving unconnected	
24	segments which are unsuitable for acquisition for recreational	1.29
25	trail use, and	
26	WHEREAS, the Legislature finds that the preservation of	1.30
27	abandoned rail corridors for development and use as	
28	recreational trails is in the public interest, and	1.31
29	WHEREAS, the Legislature finds that a systematic and	1.32
30	continuing statewide program of acquiring abandoned railroad	
31		

1	rights-of-way is needed to preserve this unique and	1.33
2	irreplaceable source of recreational trails, NOW, THEREFORE,	1.34
3		
4	Be It Enacted by the Legislature of the State of Florida:	1:enc
5		
6	Section 1. Subsection (2) of section 260.012, Florida	1.34
7	Statutes, is amended to read:	
8	260.012 Declaration of policy and legislative	1.34
9	intent.--	
10	(2) It is the intent of the Legislature that	1.35
11	recreational trails be established within and without	1.36
12	boundaries of state parks and state forests and, when	1.37
13	feasible, to interconnect units of the state park and forest	1.38
14	system, as well as national forests and parks and such locally	1.39
15	maintained parks as may be appropriate. It is also the intent	1.40
16	of the Legislature to perpetuate the use of and provide access	
17	to regions and trails of special historic interest within the	1.42
18	state; <u>to provide for the acquisition of abandoned railroad</u>	
19	<u>rights-of-way for use as public recreational trails; to</u>	1.43
20	encourage the multiple use of public rights-of-way and use to	1.44
21	the fullest extent existing and future scenic roads, highways,	1.46
22	park roads, parkways, and national recreational trails; to	
23	encourage the development of recreational trails by counties,	1.48
24	cities, and special districts and to assist in such	
25	development by any means available; to coordinate recreational	1.49
26	trail plans and development by local governments with one	1.50
27	another and with the state government and Federal Government;	1.51
28	and to encourage, whenever possible, the development of	1.52
29	recreational trails on federal lands by the Federal	1.53
30	Government.	
31		

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2	Florida Statutes, to read:	1.55
3	260.013 Definitions.--As used in ss. 260.011-260.018,	1.55
4	unless the context otherwise requires:	1.56
5	<u>(5) "Board" means the Board of Trustees of the</u>	1:1us
6	<u>Internal Improvement Trust Fund.</u>	1.59
7	Section 3. Section 260.0141, Florida Statutes, is	1.59
8	created to read:	1.60
9	<u>260.0141 Florida Rails to Trails Program.--There is</u>	1:1us
10	<u>established within the Florida Recreational Trails System the</u>	1.61
11	<u>Florida Rails to Trails Program, the purpose of which is to</u>	1.62
12	<u>acquire and develop abandoned railroad rights-of-way for</u>	1.63
13	<u>public recreational trail use. Such rights-of-way shall be</u>	1.64
14	<u>acquired pursuant to this chapter.</u>	
15	Section 4. Section 260.015, Florida Statutes, is	1.65
16	amended to read:	
17	260.015. Acquisition of land.--	1.65
18	(1) The <u>department division</u> is authorized to acquire	1.67
19	by gift or purchase the <u>fee simple absolute</u> title or any	1.68
20	lesser interest in land, including easements, for the purposes	1.69
21	of ss. 260.011-260.018 pursuant to the provisions of chapter	1.71
22	375, except that: <del>no power of eminent domain is conveyed to</del>	1.73
23	<del>the division by ss. 260.011-260.018</del>	1.74
24	<u>(a) The department's power of eminent domain shall be</u>	1.75
25	<u>limited to curing defects in title accepted by the board</u>	
26	<u>pursuant to subsection (2).</u>	
27	<u>(b) Lists of proposed acquisitions for the Florida</u>	1:1us
28	<u>Rails to Trails Program shall be prepared according to the</u>	1.77
29	<u>provisions of s. 260.016.</u>	
30	<u>(c) Abandoned railroad rights-of-way acquired under</u>	1.78
31	<u>this chapter shall not be subject to the evaluation and</u>	

1	<u>selection procedures of s. 259.035, regardless of the</u>	1.79
2	<u>estimated value of such projects. All abandoned railroad</u>	1.80
3	<u>rights-of-way projects shall be acquired in accordance with</u>	
4	<u>the acquisition procedures of chapter 253.</u>	1.81
5	<u>(2) For purposes of the Florida Rails to Trails</u>	1.83
6	<u>Program, the board is authorized to:</u>	1.84
7	<u>(a) Accept title, including nonmarketable title</u>	1:lus
8	<u>notwithstanding the provisions of s. 253.025(6), to abandoned</u>	2.2
9	<u>railroad rights-of-way purchased or leased by or donated to</u>	
10	<u>the department, and to any areas abutting such rights-of-way</u>	2.4
11	<u>which are needed for the construction of trail-user support</u>	2.5
12	<u>facilities; and</u>	2.6
13	<u>(b) Accept title to abandoned railroad rights-of-way</u>	1:lus
14	<u>which is conveyed by quitclaim deed through purchase,</u>	2.7
15	<u>dedication, gift, grant, or settlement, notwithstanding the</u>	2.8
16	<u>provisions of s. 253.025(1).</u>	
17	<del>(3)</del> <u>Easements and rights-of-way upon, over, under,</u>	2.9
18	<u>across, or along any land, the fee title of which has been</u>	
19	<u>acquired for the purposes of ss. 260.011-260.018, may be</u>	2.11
20	<u>granted by the department <del>division</del> so long as the use of</u>	1:lus
21	<u>permitted-by the easement or right-of-way does not interfere</u>	1:lus
22	<u>with the purposes of ss. 260.011-260.018.</u>	2.14
23	<del>(4)</del> <u>The department <del>division</del> may transfer any</u>	1:lus
24	<u>recreational trail, or easement, or right-of-way to a local</u>	2.18
25	<u>governmental agency having jurisdiction over the area in which</u>	2.19
26	<u>the recreational trail, easement, or right-of-way is located</u>	2.21
27	<u>upon agreement by such local agency to maintain and operate</u>	2.22
28	<u>the recreational <u>trail, easement, or right-of-way for</u></u>	2.24
29	<u>recreational purposes in a manner consistent with department</u>	2.26
30	<u>rules and the intent of ss. 260.011-260.018.</u>	2.27
31		

1	Section 5. Section 260.016, Florida Statutes, is	2.28
2	amended to read:	
3	260.016 General powers of Division of Recreation and	2.29
4	Parks.--	
5	<u>(1)</u> The Division of Recreation and Parks may:	2.31
6	<u>(a)(1)</u> Publish and distribute appropriate maps of	2.33
7	recreational trails, including recommended extensions thereof.	
8	<u>(b)(2)</u> Establish access routes and related primitive	1:108
9	public-use facilities along recreational trails which will not	2.37
10	substantially interfere with the nature and purposes of the	
11	trail.	
12	<u>(c)(3)</u> Promulgate appropriate rules for the use of	2.39
13	recreational trails.	
14	<u>(d)(4)</u> Coordinate the activities of all governmental	2.40
15	units and bodies and special districts that desire to	2.42
16	participate in the development of the Florida Recreational	
17	Trails System.	2.43
18	<u>(e)</u> <u>Appoint an advisory body to be known as the</u>	2.46
19	<u>Florida Recreational Trails Council, which shall advise the</u>	
20	<u>division in the execution of its powers and duties within this</u>	2.47
21	<u>chapter. The division shall establish by rule the duties,</u>	2.48
22	<u>structure, and responsibilities of the council. Members of</u>	2.49
23	<u>the Florida Recreational Trails Council shall serve without</u>	
24	<u>compensation, but are entitled to be reimbursed for per diem</u>	2.50
25	<u>and travel expenses as provided in s. 112.061.</u>	
26	<u>(2)</u> <u>The Division of Recreation and Parks shall:</u>	1:1us
27	<u>(a)</u> <u>Evaluate existing and potential abandoned railroad</u>	2.52
28	<u>rights-of-way to identify the corridors which are suitable for</u>	2.54
29	<u>acquisition for recreational trail use and shall comprise a</u>	
30	<u>list of suitable corridors, ranking them in order of priority</u>	2.55
31	<u>for proposed acquisition. The division shall devise a method</u>	2.56

1	<u>of evaluation which includes, but is not limited to, the</u>	
2	<u>consideration of:</u>	2.57
3	<u>1. Current and future recreational need;</u>	1:lus
4	<u>2. Potential for local sharing in the acquisition,</u>	2.59
5	<u>development, operation, or maintenance of abandoned rail</u>	
6	<u>corridors;</u>	2.60
7	<u>3. Acquisition, development, operation, and</u>	1:lus
8	<u>maintenance costs; and</u>	2.61
9	<u>4. Time of availability of rights-of-way.</u>	2.63
10	<u>(b) Maintain an updated list of abandoned and to-be-</u>	2.64
11	<u>abandoned railroad rights-of-way. The division shall request</u>	2.66
12	<u>information on current and potential railroad abandonments</u>	
13	<u>from the Department of Transportation, the Interstate Commerce</u>	2.67
14	<u>Commission, and railroad companies operating within the state.</u>	2.69
15	<u>At a minimum, the division shall make such requests on a</u>	2.70
16	<u>quarterly basis.</u>	
17	<u>(c) Provide information to public and private agencies</u>	2.73
18	<u>and organizations on abandoned rail corridors which are or</u>	
19	<u>will be available for acquisition from the railroads or for</u>	2.74
20	<u>lease for interim recreational use from the Department of</u>	2.75
21	<u>Transportation. Such information shall include, at a minimum,</u>	2.76
22	<u>probable costs of purchase or lease of the identified</u>	
23	<u>corridors.</u>	2.77
24	Section 6. Section 260.0161, Florida Statutes, is	2.78
25	created to read:	
26	<u>260.0161 Coordination with Department of</u>	1:lus
27	<u>Transportation.--</u>	2.79
28	<u>(1) Upon the request of the Department of Natural</u>	1:lus
29	<u>Resources, the Department of Transportation shall provide</u>	2.81
30	<u>information to the Department of Natural Resources on</u>	2.82
31	<u>abandoned and to-be-abandoned railroad rights-of-way.</u>	2.83



1	<u>(2) The Department of Transportation and the</u>	3.1
2	<u>Department of Natural Resources shall coordinate their</u>	3.2
3	<u>evaluations of potential acquisitions and their acquisition</u>	3.3
4	<u>priorities with respect to abandoned railroad rights-of-way in</u>	
5	<u>order to avoid competing for the same corridors. The</u>	3.5
6	<u>Department of Natural Resources and the Department of</u>	
7	<u>Transportation shall enter into a memorandum of understanding</u>	3.7
8	<u>which shall contain a method by which the coordination of</u>	
9	<u>evaluations and acquisition priorities is to be accomplished.</u>	3.9
10	<u>The memorandum of understanding shall be submitted to the</u>	3.10
11	<u>Speaker of the House of Representatives, the President of the</u>	3.11
12	<u>Senate, and the Governor within 120 days of the effective date</u>	3.12
13	<u>of this act.</u>	
14	<u>(3) Where the Department of Transportation has</u>	1:1us
15	<u>acquired abandoned railroad rights-of-way for future</u>	3.14
16	<u>transportation purposes, the Department of Transportation</u>	
17	<u>shall lease such rights-of-way to a public agency or private</u>	3.17
18	<u>organization for interim public recreational trail use when:</u>	
19	<u>(a) The public agency or private organization has</u>	1:1us
20	<u>requested use of the right-of-way for interim public</u>	3.18
21	<u>recreational trail use;</u>	
22	<u>(b) The public agency or private organization agrees</u>	3.20
23	<u>in writing to assume all liability and management</u>	
24	<u>responsibilities as defined by the Department of</u>	3.21
25	<u>Transportation; and</u>	
26	<u>(c) The use of the right-of-way as a recreational</u>	3.23
27	<u>trail does not interfere with the property's ultimate</u>	3.24
28	<u>transportation purposes.</u>	
29	<u>(4) When the Department of Transportation determines</u>	3.25
30	<u>that an abandoned railroad right-of-way which has been leased</u>	3.26
31	<u>for interim recreational trail use is needed for</u>	3.28

1	<u>transportation purposes, the Department of Transportation</u>	
2	<u>shall work with the leasing agency to accommodate, when</u>	3.29
3	<u>feasible, the existing trail use in conjunction with the use</u>	3.30
4	<u>of the right-of-way for transportation.</u>	
5	Section 7. Subsection (2) of section 375.251, Florida	3.31
6	Statutes, is amended to read:	
7	375.251 Limitation on liability of persons making	3.32
8	available to public certain areas for recreational purposes	3.33
9	without charge.--	
10	(2)(a) An owner or lessee who provides the public with	3.33
11	a park area <u>or other land</u> for outdoor recreational purposes	3.34
12	owes no duty of care to keep that park area <u>or land</u> safe for	3.36
13	entry or use by others, or to give warning to persons entering	
14	or going on that park area <u>or land</u> of any hazardous	3.38
15	conditions, structures, or activities thereon. An owner or	3.41
16	lessee who provides the public with a park area <u>or other land</u>	
17	for outdoor recreational purposes shall not by providing that	3.42
18	park area <u>or land</u> :	
19	1. Be presumed to extend any assurance that such park	3.43
20	area <u>or land</u> is safe for any purpose,	3.44
21	2. Incur any duty of care toward a person who goes on	3.44
22	that park area <u>or land</u> , or	3.45
23	3. Become liable or responsible for any injury to	3.45
24	persons or property caused by the act or omission of a person	3.46
25	who goes on that park area <u>or land</u> .	3.47
26	(b) This section shall not apply if there is any	3.47
27	charge made or usually made for entering or using such park	3.48
28	area <u>or land</u> , or any part thereof, or if any commercial or	3.50
29	other <u>activity, whereby profit is derived from the patronage</u>	
30	<u>of the general public, for-profit</u> is conducted on such park	3.52
31	area <u>or land</u> , or any part thereof.	3.54

1	Section 8. <u>Paragraph (e) of subsection (1) of section</u>	3.54
2	<u>260.016, Florida Statutes, is repealed on October 1, 1997, and</u>	3.55
3	<u>the Florida Recreational Trails Council shall be reviewed by</u>	
4	<u>the Legislature pursuant to s. 11.611, Florida Statutes.</u>	3.56
5	Section 9. This act shall take effect July 1, 1987.	3.56
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1	A bill to be entitled	1:btc
2	An act relating to the recreational trails	1.4
3	system; amending s. 260.012, F.S.; providing	
4	legislative intent to provide for the	
5	acquisition of abandoned railroad rights-of-way	1.5
6	for use as recreational trails; amending s.	
7	260.013, F.S.; providing a definition; creating	
8	s. 260.0141, F.S.; providing for a Florida	1.6
9	Rails to Trails Program; amending s. 260.015,	
10	F.S.; providing for the authority of the	1.7
11	Department of Natural Resources to acquire land	
12	under the Florida Recreational Trails Act of	
13	1979; providing for the powers of the Board of	1.8
14	Trustees of the Internal Improvement Trust Fund	
15	for the purposes of the Florida Rails to Trails	
16	Program; amending s. 260.016, F.S.; providing	1.9
17	for the powers and duties of the Division of	
18	Recreation and Parks under the act; providing	1.10
19	for the appointment of an advisory body known	
20	as the Florida Recreational Trails Council;	
21	creating s. 260.0161, F.S.; providing for the	1.11
22	responsibilities of the Department of	
23	Transportation with respect to abandoned and	
24	to-be-abandoned railroad rights-of-way and with	1.12
25	respect to the act; amending s. 375.251, F.S.,	
26	relating to the limitation on liability of	1.13
27	persons making available to the public areas	
28	for recreational purposes, to include reference	
29	to land; providing appropriations; providing	1.14
30	for review and repeal; providing an effective	
31	date.	

1	WHEREAS, the Legislature recognizes the importance of	1.16
2	providing the public with access to Florida's outdoor areas	
3	for recreation, enjoyment, and appreciation, and	1.17
4	WHEREAS, it is the Legislature's intent to conserve and	1.17
5	develop the natural resources of this state for healthful and	1.18
6	recreational purposes, and	1.19
7	WHEREAS, the Legislature finds that Florida's	1.19
8	recreational trails accommodate a variety of outdoor	1.20
9	activities, including walking, hiking, bicycling, jogging,	
10	canoeing, and horseback riding, while also providing access to	1.21
11	other recreational activities such as sightseeing, fishing,	1.22
12	picnicking, swimming, and camping, and	
13	WHEREAS, the Legislature has, in chapter 260, Florida	1.23
14	Statutes, declared it to be the public policy of this state to	
15	provide the means to establish and expand a network of scenic	1.24
16	recreational trails known as the "Florida Recreational Trails	1.25
17	System," and	
18	WHEREAS, the Legislature finds that abandoned railroad	1.25
19	rights-of-way are a unique source of land corridors which are,	1.26
20	in many cases, suitable for use as recreational trails, and	1.27
21	WHEREAS, railroad rights-of-way are being abandoned at	1.27
22	a high rate and are often sold in segments, thereby	1.28
23	fragmenting the original corridors and leaving unconnected	
24	segments which are unsuitable for acquisition for recreational	1.29
25	trail use, and	
26	WHEREAS, the Legislature finds that the preservation of	1.30
27	abandoned rail corridors for development and use as	
28	recreational trails is in the public interest, and	1.31
29	WHEREAS, the Legislature finds that a systematic and	1.32
30	continuing statewide program of acquiring abandoned railroad	
31		

1	rights-of-way is needed to preserve this unique and	1.33
2	irreplaceable source of recreational trails, NOW, THEREFORE,	1.34
3		
4	Be It Enacted by the Legislature of the State of Florida:	1:enc
5		
6	Section 1. Subsection (2) of section 260.012, Florida	1.34
7	Statutes, is amended to read:	
8	260.012 Declaration of policy and legislative	1.34
9	intent.--	
10	(2) It is the intent of the Legislature that	1.35
11	recreational trails be established within and without	1.36
12	boundaries of state parks and state forests and, when	1.37
13	feasible, to interconnect units of the state park and forest	1.38
14	system, as well as national forests and parks and such locally	1.39
15	maintained parks as may be appropriate. It is also the intent	1.40
16	of the Legislature to perpetuate the use of and provide access	
17	to regions and trails of special historic interest within the	1.42
18	state; <u>to provide for the acquisition of abandoned railroad</u>	
19	<u>rights-of-way for use as public recreational trails;</u> to	1.43
20	encourage the multiple use of public rights-of-way and use to	1.44
21	the fullest extent existing and future scenic roads, highways,	1.46
22	park roads, parkways, and national recreational trails; to	
23	encourage the development of recreational trails by counties,	1.48
24	cities, and special districts and to assist in such	
25	development by any means available; to coordinate recreational	1.49
26	trail plans and development by local governments with one	1.50
27	another and with the state government and Federal Government;	1.51
28	and to encourage, whenever possible, the development of	1.52
29	recreational trails on federal lands by the Federal	1.53
30	Government.	
31		

1	Section 2. Subsection (5) is added to section 260.013,	1.53
2	Florida Statutes, to read:	1.55
3	260.013 Definitions.--As used in ss. 260.011-260.018,	1.55
4	unless the context otherwise requires:	1.56
5	<u>(5) "Board" means the Board of Trustees of the</u>	1:1us
6	<u>Internal Improvement Trust Fund.</u>	1.59
7	Section 3. Section 260.0141, Florida Statutes, is	1.59
8	created to read:	1.60
9	<u>260.0141 Florida Rails to Trails Program.--There is</u>	1:1us
10	<u>established within the Florida Recreational Trails System the</u>	1.61
11	<u>Florida Rails to Trails Program, the purpose of which is to</u>	1.62
12	<u>acquire and develop abandoned railroad rights-of-way for</u>	1.63
13	<u>public recreational trail use. Such rights-of-way shall be</u>	1.64
14	<u>acquired pursuant to this chapter.</u>	
15	Section 4. Section 260.015, Florida Statutes, is	1.65
16	amended to read:	
17	260.015 Acquisition of land.--	1.65
18	(1) The <u>department division</u> is authorized to acquire	1.67
19	by gift or purchase the fee <u>simple absolute</u> title or any	1.68
20	lesser interest in land, including easements, for the purposes	1.69
21	of ss. 260.011-260.018. <u>Such acquisitions shall be pursuant</u>	1.71
22	to the provisions of chapter 375, except that: <u>no-power-of</u>	1.72
23	<del>eminent-domain-is-conveyed-to-the-division-by-ss-260-011-</del>	1.74
24	<del>260-018-</del>	
25	<u>(a) The department's power of eminent domain shall be</u>	1.75
26	<u>limited to curing defects in title accepted by the board</u>	
27	<u>pursuant to subsection (2).</u>	
28	<u>(b) Lists of proposed acquisitions for the Florida</u>	1:1us
29	<u>Rails to Trails Program shall be prepared according to the</u>	1.77
30	<u>provisions of s. 260.016.</u>	
31		

1	<u>(c) Abandoned railroad rights-of-way shall be acquired</u>	1.78
2	<u>according to the acquisition procedures outlined in chapter</u>	1.79
3	<u>253 for projects valued at less than \$250,000, regardless of</u>	1.80
4	<u>the appraised value of the right-of-way.</u>	
5	<u>(2) For purposes of the Florida Rails to Trails</u>	1.81
6	<u>Program, the board is authorized to:</u>	1.82
7	<u>(a) Accept title, including nonmarketable title</u>	1:1us
8	<u>notwithstanding the provisions of s. 253.025(6), to abandoned</u>	1.84
9	<u>railroad rights-of-way purchased or leased by or donated to</u>	
10	<u>the department, and to any areas abutting such rights-of-way</u>	2.2
11	<u>which are needed for the construction of trail-user support</u>	2.3
12	<u>facilities; and</u>	2.4
13	<u>(b) Accept title to abandoned railroad rights-of-way</u>	1:1us
14	<u>which is conveyed by quitclaim deed through purchase,</u>	2.5
15	<u>dedication, gift, grant, or settlement, notwithstanding the</u>	2.6
16	<u>provisions of s. 253.025(1).</u>	
17	<u>(3)<del>(2)</del> Easements and rights-of-way upon, over, under,</u>	2.7
18	<u>across, or along any land, the fee title of which has been</u>	
19	<u>acquired for the purposes of ss. 260.011-260.018, may be</u>	2.9
20	<u>granted by the <del>department</del> <u>division</u> so long as the use of</u>	1:1os
21	<u>permitted-by the easement <u>or right-of-way</u> does not interfere</u>	1:1us
22	<u>with the purposes of ss. 260.011-260.018.</u>	2.12
23	<u>(4)<del>(3)</del> The <del>department</del> <u>division</u> may transfer any</u>	1:1us
24	<u>recreational trail, <del>or</del> <u>easement, or right-of-way</u> to a local</u>	2.16
25	<u>governmental agency having jurisdiction over the area in which</u>	2.17
26	<u>the <u>recreational trail, easement, or right-of-way</u> is located</u>	2.19
27	<u>upon agreement by such local agency to maintain and operate</u>	2.20
28	<u>the recreational trail, <u>easement, or right-of-way</u> for</u>	2.22
29	<u>recreational purposes in a manner consistent with department</u>	2.24
30	<u>rules and the intent of ss. 260.011-260.018.</u>	2.25
31		



1	Section 5. Section 260.016, Florida Statutes, is	2.26
2	amended to read:	
3	260.016 General powers of Division of Recreation and	2.27
4	Parks.--	
5	<u>(1)</u> The Division of Recreation and Parks may:	2.29
6	<u>(a)</u> <del>(1)</del> Publish and distribute appropriate maps of	2.31
7	recreational trails, including recommended extensions thereof.	
8	<u>(b)</u> <del>(2)</del> Establish access routes and related <del>primitive</del>	1:10s
9	public-use facilities along recreational trails which will not	2.35
10	substantially interfere with the nature and purposes of the	
11	trail.	
12	<u>(c)</u> <del>(3)</del> Promulgate appropriate rules for the use of	2.37
13	recreational trails.	
14	<u>(d)</u> <del>(4)</del> Coordinate the activities of all governmental	2.38
15	units and bodies and special districts that desire to	2.40
16	participate in the development of the Florida Recreational	
17	Trails System.	2.41
18	<u>(e)</u> Appoint an advisory body to be known as the	2.44
19	<u>Florida Recreational Trails Council, which shall advise the</u>	
20	<u>division in the execution of its powers and duties within this</u>	2.45
21	<u>chapter. The division shall establish by rule the duties,</u>	2.46
22	<u>structure, and responsibilities of the council. Members of</u>	2.47
23	<u>the Florida Recreational Trails Council shall serve without</u>	
24	<u>compensation, but are entitled to be reimbursed for per diem</u>	2.48
25	<u>and travel expenses as provided in s. 112.061.</u>	
26	<u>(2)</u> The Division of Recreation and Parks shall:	1:1us
27	<u>(a)</u> Evaluate existing and potential abandoned railroad	2.50
28	<u>rights-of-way to identify the corridors which are suitable for</u>	2.52
29	<u>acquisition for recreational trail use and shall comprise a</u>	
30	<u>list of suitable corridors, ranking them in order of priority</u>	2.53
31	<u>for proposed acquisition. The division shall devise a method</u>	2.54

1	<u>of evaluation which includes, but is not limited to, the</u>	2.54
2	<u>consideration of:</u>	2.55
3	<u>1. Current and future recreational need;</u>	1:1us
4	<u>2. Potential for local sharing in the acquisition,</u>	2.57
5	<u>development, operation, or maintenance of abandoned rail</u>	
6	<u>corridors;</u>	2.58
7	<u>3. Acquisition, development, operation, and</u>	1:1us
8	<u>maintenance costs; and</u>	2.59
9	<u>4. Time of availability of rights-of-way.</u>	2.61
10	<u>(b) Maintain an updated list of abandoned and to-be-</u>	2.62
11	<u>abandoned railroad rights-of-way. The division shall request</u>	2.64
12	<u>information on current and potential railroad abandonments</u>	
13	<u>from the Department of Transportation, the Interstate Commerce</u>	2.65
14	<u>Commission, and railroad companies operating within the state.</u>	2.67
15	<u>At a minimum, the division shall make such requests on a</u>	2.68
16	<u>quarterly basis.</u>	
17	<u>(c) Provide information to public and private agencies</u>	2.71
18	<u>and organizations on abandoned rail corridors which are or</u>	
19	<u>will be available for acquisition from the railroads or for</u>	2.72
20	<u>lease for interim recreational use from the Department of</u>	2.73
21	<u>Transportation. Such information shall include, at a minimum,</u>	2.74
22	<u>probable costs of purchase or lease of the identified</u>	
23	<u>corridors.</u>	2.75
24	Section 6. Section 260.0161, Florida Statutes, is	2.76
25	created to read:	
26	<u>260.0161 Coordination with Department of</u>	1:1us
27	<u>Transportation.--</u>	2.77
28	<u>(1) Upon the request of the Department of Natural</u>	1:1us
29	<u>Resources, the Department of Transportation shall provide</u>	2.79
30	<u>information to the Department of Natural Resources on</u>	2.80
31	<u>abandoned and to-be-abandoned railroad rights-of-way.</u>	2.81

1	<u>(2) The Department of Transportation and the</u>	2.83
2	<u>Department of Natural Resources shall coordinate their</u>	2.84
3	<u>evaluations of potential acquisitions and their acquisition</u>	3.1
4	<u>priorities with respect to abandoned railroad rights-of-way in</u>	
5	<u>order to avoid competing for the same corridors. The</u>	3.3
6	<u>Department of Natural Resources and the Department of</u>	
7	<u>Transportation shall enter into a memorandum of understanding</u>	3.5
8	<u>which shall contain a method by which the coordination of</u>	
9	<u>evaluations and acquisition priorities is to be accomplished.</u>	3.7
10	<u>The memorandum of understanding shall be submitted to the</u>	3.8
11	<u>Speaker of the House of Representatives, the President of the</u>	3.9
12	<u>Senate, and the Governor within 120 days of the effective date</u>	3.10
13	<u>of this act.</u>	
14	<u>(3) Where the Department of Transportation has</u>	1:lus
15	<u>acquired abandoned railroad rights-of-way for future</u>	3.12
16	<u>transportation purposes, the Department of Transportation</u>	
17	<u>shall lease such rights-of-way to a public agency or private</u>	3.15
18	<u>organization for interim public recreational trail use when:</u>	
19	<u>(a) The public agency or private organization has</u>	1:lus
20	<u>requested use of the right-of-way for interim public</u>	3.16
21	<u>recreational trail use;</u>	
22	<u>(b) The public agency or private organization agrees</u>	3.18
23	<u>in writing to assume all liability and management</u>	
24	<u>responsibilities as defined by the Department of</u>	3.19
25	<u>Transportation; and</u>	
26	<u>(c) The use of the right-of-way as a recreational</u>	3.21
27	<u>trail does not interfere with the property's ultimate</u>	3.22
28	<u>transportation purposes.</u>	
29	<u>(4) When the Department of Transportation determines</u>	3.23
30	<u>that an abandoned railroad right-of-way which has been leased</u>	3.24
31	<u>for interim recreational trail use is needed for</u>	3.26

1	<u>transportation purposes, the Department of Transportation</u>	
2	<u>shall work with the leasing agency to accommodate, when</u>	3.27
3	<u>feasible, the existing trail use in conjunction with the use</u>	3.28
4	<u>of the right-of-way for transportation.</u>	
5	Section 7. Subsection (2) of section 375.251, Florida	3.29
6	Statutes, is amended to read:	
7	375.251 Limitation on liability of persons making	3.30
8	available to public certain areas for recreational purposes	3.31
9	without charge.--	
10	(2)(a) An owner or lessee who provides the public with	3.31
11	a park area <u>or other land</u> for outdoor recreational purposes	3.32
12	owes no duty of care to keep that park area <u>or land</u> safe for	3.34
13	entry or use by others, or to give warning to persons entering	
14	or going on that park area <u>or land</u> of any hazardous	3.36
15	conditions, structures, or activities thereon. An owner or	3.39
16	lessee who provides the public with a park area <u>or other land</u>	
17	for outdoor recreational purposes shall not by providing that	3.40
18	park area <u>or land</u> :	
19	1. Be presumed to extend any assurance that such park	3.41
20	area <u>or land</u> is safe for any purpose,	3.42
21	2. Incur any duty of care toward a person who goes on	3.42
22	that park area <u>or land</u> , or	3.43
23	3. Become liable or responsible for any injury to	3.43
24	persons or property caused by the act or omission of a person	3.44
25	who goes on that park area <u>or land</u> .	3.45
26	(b) This section shall not apply if there is any	3.45
27	charge made or usually made for entering or using such park	3.46
28	area <u>or land</u> , or any part thereof, or if any commercial or	3.48
29	other <u>activity, whereby profit is derived from the patronage</u>	
30	<u>of the general public, for-profit</u> is conducted on such park	3.50
31	area <u>or land</u> , or any part thereof.	3.52

1	Section 8. <u>(1) There is hereby appropriated from the</u>	3.53
2	<u>General Revenue Fund for fiscal year 1987-1988 the sum of \$3.6</u>	
3	<u>million to be credited to the Land Acquisition Trust Fund for</u>	3.54
4	<u>disbursement by the Department of Natural Resources for the</u>	3.56
5	<u>purposes of this act.</u>	
6	<u>(2) The sum of \$111,761 is hereby appropriated from</u>	1:lus
7	<u>the General Revenue Fund to the Department of Natural</u>	3.57
8	<u>Resources, and one Planner II position, one Land Acquisition</u>	
9	<u>Agent position, and one Secretary Specialist position are</u>	3.59
10	<u>hereby created within the Division of Recreation and Parks of</u>	
11	<u>the department, to carry out the purposes of this act.</u>	3.61
12	Section 9. <u>Paragraph (e) of subsection (1) of section</u>	3.61
13	<u>260.016, Florida Statutes, is repealed on October 1, 1997, and</u>	3.62
14	<u>the Florida Recreational Trails Council shall be reviewed by</u>	
15	<u>the Legislature pursuant to s. 11.611, Florida Statutes.</u>	3.63
16	Section 10. This act shall take effect July 1, 1987.	3.63
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1	*****	1:hbs
2	HOUSE SUMMARY	1:hbs
3	Revises the Florida Recreational Trails Act of 1979 to	3.66
4	create a Florida Rails to Trails Program and to provide	3.67
5	for the acquisition of abandoned railroad rights-of-way	3.68
6	for use as public recreational trails. See bill for	
7	details.	
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Date: April 23, 1987  
Revised: \_\_\_\_\_  
Final: \_\_\_\_\_

5

HOUSE OF REPRESENTATIVES  
COMMITTEE ON NATURAL RESOURCES  
STAFF ANALYSIS

BILL #: PCB NR 16  
RELATING TO: Recreational Trails  
SPONSOR(S): Natural Resources and Representative Martin  
EFFECTIVE DATE: July 1, 1987  
COMPANION BILL(S): SB 778  
OTHER COMMITTEES OF REFERENCE: (1) \_\_\_\_\_  
(2) \_\_\_\_\_

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I. SUMMARY:

A. Present Situation

Chapter 260, Florida Statutes, enacted in 1979, established the "Florida Recreational Trails System" to provide for an expanding network of recreational and scenic public trails. The trails system consists of individual trails and networks of trails designated by the Department of Natural Resources and administered in accordance with the rules published by the department. The department and other public entities are authorized to spend public funds or to accept gifts and grants of property or funds to develop, operate, and maintain the trails system.

State land acquisition funds, such as the Land Acquisition Trust Fund and the Conservation and Recreation Lands Trust Fund, could be used to purchase land for public recreational trails. However, these funds are quickly depleted for the more immediate need of acquiring large land tracts in order to protect disappearing natural resources. Consequently, the Florida Recreational Trails System is expanding at a slow rate.

Currently, about 1,000 miles of trails are designated in the state trails system. Of that number, 76 miles are designated as hiking trails, with the rest designated as canoe trails. A 1985 supply/demand needs analysis, conducted by the Department of Natural Resources in developing its State Comprehensive Outdoor Recreation Plan, included the following estimates of recreational needs throughout the state:

- 2,700 miles in bike trails
- 1,052 miles in hiking trails
- 940 miles in horseback riding trails

- 16 miles in nature study trails

Eleven of the top twenty identified recreational needs involve trail activities.

Private support for the development of the trails system exists through trails groups such as the Florida Trails Association, the purpose of which is to build a connected trail, known as the Florida Trail, from the Everglades through the panhandle. Other groups include the Affiliated Horsemen's Organizations of Florida (H.O.O.F.), the Canoeing and Kayaking Association, the Florida Sports Paddlers Association, and various local trails groups.

Abandoned railroad rights-of-way constitute a resource which is well-suited to trail development and use, and which contains land corridors important to the completion of the Florida Trail. These rights-of-way are being abandoned at a high rate and often are sold in segments, thereby fragmenting the original corridors and leaving unconnected segments which are unsuitable for acquisition for recreational trail use. Lack of continuous and adequate state funding to purchase abandoned railroad rights-of-way impedes their acquisition and results in a loss to the public of recreational trails.

B. Effect of Proposed Changes:

This bill amends chapter 260, Florida Statutes, adding section 260.0141 to establish a "Florida Rails-to-Trails Program", the purpose of which is to acquire and develop abandoned railroad rights-of-way for public recreational use. The bill amends sections 260.012-260.015 and adds section 260.0161 to provide for the implementation of the program.

The bill amends section 260.015 to give the department eminent domain power for purposes of the Florida Rails-to-Trails Program. This power is limited to curing defects in title accepted by the Board of Trustees of the Internal Improvement Trust Fund to abandoned railroad rights-of-way and to abutting areas needed for trail user support facilities. The board is authorized to accept titles to such rights-of-way and abutting areas, including nonmarketable title and title conveyed by quitclaim deed. The bill also provides that abandoned railroad rights-of-way shall be acquired according to the acquisition procedures in chapter 253 for projects valued at less than \$250,000.

The bill amends section 260.016 to add the following powers of the Division of Recreation and Parks:

- (1) The division may appoint an advisory council.
- (2) The division shall:
  - (a) Evaluate existing and potential abandoned railroad rights-of-way and shall comprise a list of corridors suitable for acquisition, in order of priority.



(b) Maintain an updated list of abandoned and to-be-abandoned railroad rights-of-way.

(c) Provide information to public and private agencies and organizations on abandoned rail corridors available for acquisition or lease.

The bill adds section 260.0161, which requires the Department of Transportation to:

- (1) Provide information to the Department of Natural Resources, upon request, on abandoned and to-be-abandoned railroad rights-of-way.
- (2) Enter into a memorandum of understanding with the Department of Natural Resources so that the two departments may devise a way to avoid competing for the same corridors.
- (3) Lease available rights-of-way to public agencies and private organizations for interim trail use, when specific conditions are met.
- (4) Accommodate, when feasible, existing interim trail use in conjunction with the eventual use of the right-of-way for transportation.

The bill amends section 375.251, Florida Statutes, to extend limitation on liability of owners or lessees of land to those who provide land for recreational purposes, where no commercial or other activity from which profit is derived from the patronage of the general public is conducted on the land.

C. Section by Section Analysis:

Section 1 -- Amends section 260.012, Florida Statutes, to include additional legislative intent.

Section 2 -- Amends section 260.013 to add a definition.

Section 3 -- Adds section 260.0141 to establish the "Florida Rails-to-Trails Program."

Section 4 -- Amends section 260.015 to provide for accepting title and curing title defects, and to reference acquisition procedures for abandoned railroad rights-of-way.

Section 5 -- Amends section 260.016 to give additional powers to the Division of Recreation and Parks.

Section 6 -- Adds section 260.0161 to provide for coordination between the Department of Natural Resources and the Department of Transportation in the acquisition of abandoned railroad rights-of-way.

Section 7 -- Amends section 375.251, Florida Statutes, in regard to limitation on liability of owners or leasees of land who provide the public with land for recreational purposes.

Section 8 -- Provides for appropriations.

Section 9 -- Provides for repeal and legislative review pursuant to section 11.611 Florida Statutes.

II. ECONOMIC IMPACT:

A. Public:

None

B. Government:

The bill provides \$3.6 million to the Department of Natural Resources from General Revenue for purposes of the Florida Rails-to-Trails Program and supplies an additional \$111,761 from General Revenue and three new staff positions to the Division of Recreation and Parks to administer the program.

III. STATE COMPREHENSIVE PLAN IMPACT:

This bill is consistent with the following goals and policies of the state comprehensive plan:

(10) NATURAL SYSTEMS AND RECREATIONAL LANDS.--

(a) Goal.--Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

(b) Policies.--

2. Acquire, retain, manage, and inventory public lands to provide recreation, conservation, and related public benefits.

11. Expand state and local efforts to provide recreational opportunities to urban areas, including the development of activity-based parks.

12. Protect and expand park systems throughout the state.

13. Encourage the use of public and private financial and other resources for the development of recreational opportunities at the state and local levels.

IV. COMMENTS:

None.

Page 5  
Bill #PCB NR 16  
Date: April 23, 1987

V. AMENDMENTS:

None.

VI. PREPARED BY: Terry Pride *T. Pride*

VII. STAFF DIRECTOR: Steve Paikowsky *SMP*

Date: April 23, 1987  
Revised: May 18, 1987  
Final: July 1, 1987

HOUSE OF REPRESENTATIVES  
COMMITTEE ON NATURAL RESOURCES  
STAFF ANALYSIS

BILL #: HB 1455 (PCB NR 16)

RELATING TO: Recreational Trails

SPONSOR(S): Natural Resources and Reps Martin and Wallace

EFFECTIVE DATE: July 1, 1987

COMPANION BILL(S): SB 778

OTHER COMMITTEES OF REFERENCE: (1) \_\_\_\_\_

(2) \_\_\_\_\_

\*\*\*\*\*

I. SUMMARY:

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A. Present Situation

Chapter 260, Florida Statutes, enacted in 1979, established the "Florida Recreational Trails System" to provide for an expanding network of recreational and scenic public trails. The trails system consists of individual trails and networks of trails designated by the Department of Natural Resources and administered in accordance with the rules published by the department. The department and other public entities are authorized to spend public funds or to accept gifts and grants of property or funds to develop, operate, and maintain the trails system.

State land acquisition funds, such as the Land Acquisition Trust Fund and the Conservation and Recreation Lands Trust Fund, could be used to purchase land for public recreational trails. However, these funds are quickly depleted for the more immediate need of acquiring large land tracts in order to protect disappearing natural resources. Consequently, the Florida Recreational Trails System is expanding at a slow rate.

Currently, about 1,000 miles of trails are designated in the state trails system. Of that number, 76 miles are designated as hiking trails, with the rest designated as canoe trails. A 1985 supply/demand needs analysis, conducted by the Department of Natural Resources in developing its State Comprehensive Outdoor Recreation Plan, included the following estimates of recreational needs throughout the state:

- 2,700 miles in bike trails
- 1,052 miles in hiking trails
- 940 miles in horseback riding trails

- 16 miles in nature study trails

Eleven of the top twenty identified recreational needs involve trail activities.

Private support for the development of the trails system exists through trails groups such as the Florida Trail Association, the purpose of which is to build a connected trail, known as the Florida Trail, from the Everglades through the panhandle. Other groups include the Affiliated Horsemen's Organizations of Florida (A.H.O.O.F.), the Canoeing and Kayaking Association, the Florida Sports Paddlers Association, and various local trails groups.

Abandoned railroad rights-of-way constitute a resource which is well-suited to trail development and use, and which contains land corridors important to the completion of the Florida Trail. These rights-of-way are being abandoned at a high rate and often are sold in segments, thereby fragmenting the original corridors and leaving unconnected segments which are unsuitable for acquisition for recreational trail use. Currently, approximately 490 miles of abandoned rail corridors are available to be purchased, and up to 650 additional miles may become available for purchase within the next 10 years. Lack of continuous and adequate state funding to purchase abandoned railroad rights-of-way impedes their acquisition and results in a loss to the public of recreational trails.

B. Effect of Proposed Changes:

This bill amends chapter 260, Florida Statutes, adding section 260.0141 to establish a "Florida Rails-to-Trails Program", the purpose of which is to acquire and develop abandoned railroad rights-of-way for public recreational use. The bill amends sections 260.012-260.015 and adds section 260.0161 to provide for the implementation of the program.

The bill amends section 260.015 to give the department eminent domain power for purposes of the Florida Rails-to-Trails Program. This power is limited to curing defects in title accepted by the Board of Trustees of the Internal Improvement Trust Fund to abandoned railroad rights-of-way and to abutting areas needed for trail user support facilities. The board is authorized to accept titles to such rights-of-way and abutting areas, including nonmarketable title and title conveyed by quitclaim deed. The bill also provides that the acquisition of abandoned railroad rights-of-way pursuant to chapter 260 shall not be subject to the evaluation and selection procedures of s. 259.035, regardless of the estimated value of the rights-of-way.

The bill amends section 260.016 to add the following powers of the Division of Recreation and Parks:

- (1) The division may appoint an advisory council.
- (2) The division shall:

(a) Evaluate existing and potential abandoned railroad rights-of-way and shall compose a list of corridors suitable for acquisition, in order of priority.

(b) Maintain an updated list of abandoned and to-be-abandoned railroad rights-of-way.

(c) Provide information to public and private agencies and organizations on abandoned rail corridors available for acquisition or lease.

The bill adds section 260.0161, which requires the Department of Transportation to:

- (1) Provide information to the Department of Natural Resources, upon request, on abandoned and to-be-abandoned railroad rights-of-way.
- (2) Enter into a memorandum of understanding with the Department of Natural Resources so that the two departments may devise a way to avoid competing for the same corridors.
- (3) Lease available rights-of-way to public agencies and private organizations for interim trail use, when specific conditions are met.
- (4) Accommodate, when feasible, existing interim trail use in conjunction with the eventual use of the right-of-way for transportation.

The bill amends section 375.251, Florida Statutes, to extend limitation on liability of owners or lessees of land to those who provide land for recreational purposes, where no commercial or other activity from which profit is derived from the patronage of the general public is conducted on the land.

C. Section by Section Analysis:

Section 1 -- Amends section 260.012, Florida Statutes, to include additional legislative intent.

Section 2 -- Amends section 260.013 to add a definition.

Section 3 -- Adds section 260.0141 to establish the "Florida Rails-to-Trails Program."

Section 4 -- Amends section 260.015 to provide for accepting title and curing title defects, and to reference acquisition procedures for abandoned railroad rights-of-way.

Section 5 -- Amends section 260.016 to give additional powers to the Division of Recreation and Parks.

Section 6 -- Adds section 260.0161 to provide for coordination between the Department of Natural Resources and the Department of

Transportation in the acquisition of abandoned railroad rights-of-way.

Section 7 -- Amends section 375.251, Florida Statutes, in regard to limitation on liability of owners or lessees of land who provide the public with land for recreational purposes.

Section 8 -- Provides for appropriations.

Section 9 -- Provides for repeal and legislative review pursuant to section 11.611, Florida Statutes.

II. ECONOMIC IMPACT:

A. Public:

None

B. Government:

The bill provides \$3.6 million to the Department of Natural Resources from general revenue for purposes of the Florida Rails-to-Trails Program and supplies an additional \$111,761 from general revenue and three new staff positions to the Division of Recreation and Parks to administer the program.

III. STATE COMPREHENSIVE PLAN IMPACT:

This bill is consistent with the following goals and policies of the state comprehensive plan:

(10) NATURAL SYSTEMS AND RECREATIONAL LANDS.--

(a) Goal.--Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

(b) Policies.--

2. Acquire, retain, manage, and inventory public lands to provide recreation, conservation, and related public benefits.

11. Expand state and local efforts to provide recreational opportunities to urban areas, including the development of activity-based parks.

12. Protect and expand park systems throughout the state.

13. Encourage the use of public and private financial and other resources for the development of recreational opportunities at the state and local levels.

IV. COMMENTS:

None.

V. AMENDMENTS:

The House Committee on Appropriations removed the funding provision on May 21 because money for the Rails to Trails Program had, by that time, been included in the House Appropriations bill.

VI. END OF SESSION UPDATE:

After its passage by the House Committee on Natural Resources, HB 1455 was introduced in the House on May 13 and was referred to the House Committee on Appropriations. The bill was reported favorably as a committee substitute and on May 28 was placed on the House Special Order Calendar. It passed the House on May 29 by a vote of 100 yeas and 1 nay. The bill was sent to the Senate, where it died in the Committee on Natural Resources and Conservation.

An almost identical bill, CS/SB 778, was substituted for the House bill and passed the Senate on June 5 by a vote of 34 yeas and 0 nays. It passed the House on June 5 by a vote of 111 yeas and 1 nay.

The only substantive difference between CS/HB 1455 and CS/SB 778 is in subparagraph 260.0161(3)(c). The Senate bill specifies that the Secretary of DOT is to determine the ultimate transportation purposes of railroad rights-of-way which DOT leases to a public agency or a private organization for interim recreational use.

After passage, CS/SB 778 was ordered enrolled, signed by the Governor on 07/10/87, and became chapter 87-328, Laws of Florida.

VII. PREPARED BY: Terry Pride *TP* \_\_\_\_\_

VIII. STAFF DIRECTOR: Steve Paikowsky *SP* \_\_\_\_\_



STATE OF FLORIDA - HOUSE OF REPRESENTATIVES

COMMITTEE ON NATURAL RESOURCES

(488-1564)

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FISCAL IMPACT STATEMENT

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HB 1455

EFFECTIVE DATE: Upon becoming law

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I. BRIEF SUMMARY OF THE BILL:

This bill amends chapter 260, Florida Statutes, to establish a "Florida Rails-to-Trails Program" in the Department of Natural Resources for the purpose of acquiring and developing abandoned railroad rights-of-way for public recreational trail use. The bill gives limited eminent domain power to the department for purposes of the program, provides additional powers of the Division of Recreation and Parks, and establishes responsibilities of the Department of Transportation. The bill also amends section 375.251, Florida Statutes, in regard to the limitation on liability of people who own or lease land that they provide to the state for recreational use. The bill extends limitation on liability to owners or lessees of land who provide the land for recreation, if no activity from which profit is gained from the patronage of the general public is conducted on the land.

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II. ECONOMIC IMPACT:

A. Public:

Indeterminate. Public sharing of acquisition, development, and maintenance costs of abandoned railroad rights-of-way for recreational trail use is voluntary and will vary in degree and economic impact with each acquisition.

B. Government:

The 1987-88 state appropriation in this bill for the Florida Rails-to-Trails Program includes \$3.6<sup>1</sup> million to DNR from General Revenue for the acquisition and

development of abandoned railroad rights-of-way for recreational trails, and \$111,761 from General Revenue for three new staff positions in the Division of Recreation and Parks to administer the program. Local governments may share acquisition, development, and maintenance costs of rights-of-way for recreational trail use.

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III. NUMBER OF POSITIONS NEEDED AND TITLES:

Three new positions in DNR's Division of Recreation and Parks are needed to administer the Florida Rails-to-Trails Program: one Planner II position, one Land Acquisition Agent, and one Secretary Specialist position.

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IV. TOTAL COST OF THE PROJECT:

For fiscal year 1987-88, the total cost for the Florida Rails-to-Trails Program is \$3,711,761. DNR, in a May 23, 1986, report entitled "Recommendations for Implementing a 'Rails to Trails' Program in Florida" projected that a goal of acquiring 200 miles of abandoned railroad rights-of-way by 1991 for public outdoor recreation could be accomplished at a cost of approximately \$40 million. That level of acquisition would meet about 20 percent of the recreational trail need projected for the year 1990. The \$40 million cost does not include development and maintenance of the rights-of-way.

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V. REVENUE SOURCES:

The bill provides funding for the Florida Rails-to-Trails Program, including three positions, through General Revenue appropriations.

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VI. COMMENTS:

Subcommittee 2 of the Committee on Appropriations has passed out a DNR appropriation of \$3.8 million for the Florida Rails-to-Trails Program from the State Infrastructure Trust Fund. That figure was meant to include \$111,761 for the three positions, described earlier, to be established in the Division of Recreation and Parks to administer the program. It will be necessary

to specifically appropriate this funding for the three positions. DNR has indicated that the most appropriate source of funding for the positions is the State Park Trust Fund.

With regard to contacts concerning this bill, Anna Marie Hartman should be contacted at DNR at 488-7131 and Al Tompkins at DOT 488-5704.

---

ANALYST: Terry Pride

*T Pride*

STAFF DIRECTOR: Steve Paikowsky

*SP*

## SUMMARY OF AMENDMENTS TO HB 1455

### AMENDMENT 1

THIS AMENDMENT REMOVES THE APPROPRIATIONS PROVISION FOR THE FLORIDA RAILS TO TRAILS PROGRAM ESTABLISHED IN THIS BILL. THE MONEY FOR THE PROGRAM IS PROVIDED IN THE APPROPRIATIONS BUDGET AS PASSED BY THE HOUSE.

### AMENDMENT 2

TITLE AMENDMENT.

MEMBER AMENDMENT (in computer)

Bill No. HE 1455

Senate Action

House Action

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If amendment is text of another bill insert:  
Bill No.                          Draft No.

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Representative Martin offered the following amendment:

**Amendment**

On page...10..., lines...1-11...,

strike all of said lines

MEMBER AMENDMENT (in computer)

Bill No. HB 1455

Senate Action

House Action

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If amendment is text of another bill insert:  
Bill No.    Draft No.

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Representative Martin offered the following title  
amendment:

**Amendment**

On page...1..., line....29.,

strike: providing appropriations;

Orig.  
Journal  
Third  
Fourth

Code: h1455/023-02  
Date:  
Time:



State of Florida  
DEPARTMENT OF NATURAL RESOURCES

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399

DR ELTON J GISSENDANNER  
Executive Director

BOB MARTINEZ  
Governor  
GEORGE FIRESTONE  
Secretary of State  
BOB BUTTERWORTH  
Attorney General  
GERALD LEWIS  
State Comptroller  
BILL GUNTER  
State Treasurer  
DOYLE CONNER  
Commissioner of Agriculture  
BETTY CASTOR  
Commissioner of Education

PLEASE ADDRESS REPLY TO

February 25, 1987

Mr. Steve Paikowsky  
Staff Director  
House Natural Resources Committee  
Room 326, House Office Building  
Tallahassee, Florida 32301

RE: Rails to Trails Legislation  
Proposed Amendment to Section 375.251, F.S.

Dear Steve:

The intent of Section 375.251, F.S., is to offer encouragement, through the limitation of liability, to private landowners who permit public recreation without charge. However, under Section 375.251(2)(b), F.S., cooperating landowners lose this statutory protection if "any commercial or other activity for profit is conducted on such park area, or any part thereof." Under a literal interpretation of this portion of the law, a rancher who grazes his cattle in a field crossed by a trail or a timber company that harvests on a tract crossed by a trail does not have this statutory protection from liability. Without this protection, landowners are reluctant to permit their land to be used for public recreation. If this portion of the law is eliminated, private landowners may be more willing to allow their lands to be used for public recreation.

Should you have any further questions regarding this matter please call me at 488-9223.

Sincerely,

Gary L. Heiser  
Assistant General Counsel

GLH/mb

cc: Albert Gregory  
Mary Ann Twyford  
Anna Marie Hartman

# Florida House of Representatives

Jon Mills, Speaker  
Committee on Natural Resources

Sidney Martin  
Chairman

March 3, 1987

Alfred "Al" Lawson, Jr.  
Vice Chairman

## MEMORANDUM

TO: Honorable Sidney Martin, Chairman  
House Natural Resources Committee

FROM: Terry Pride, Legislative Intern *T. Pride*  
House Natural Resources Committee

RE: Abandoned Railroad Right-of-Way from Gainesville to  
Hawthorne

You asked me to write a summary of my conversation with David Coffey about the abandoned rail corridor linking Gainesville and Hawthorne.

Mr. Coffey said that the litigation between DNR and the railroad over this corridor might be settled by tomorrow and that the railroad will probably give 7 miles of the corridor to DNR. The remaining 15 miles can be bought for about \$175 thousand. Mr. Coffey thought this money might be gotten through a DNR line item appropriation.

Mr. Coffey is going to give me more details on the location of the remaining 15 miles of the corridor tomorrow, and I will relay that information to you. He hopes to know by then just what the settlement terms between DNR and the railroad are.

Let me know if I can help you further.

TP/cs





# Florida House of Representatives

Jon Mills, Speaker  
Committee on Natural Resources

Sidney Martin  
Chairman

February 4, 1987

Alfred "Al" Lawson, Jr.  
Vice Chairman

## MEMORANDUM

TO: Honorable Sidney Martin  
Chairman, House Natural Resources

FROM: Terry Pride, Legislative Intern *Pride*  
House Natural Resources Committee

RE: Rails to Trails legislation

A modest "Rails to Trails" project is currently being implemented by a joint effort of the Department of Natural Resources and the Department of Transportation. The departments are working together to develop and maintain, for recreational purposes, a 16-mile abandoned rail corridor linking Tallahassee and St. Marks.

Through direct line item appropriations, the 1986 Legislature allotted \$590,000 for the development of the corridor, to be administered by the Department of Natural Resources.

The following information should help you identify important considerations for expanding the program through new legislation.

### Present Legislation

Chapter 260, Florida Statutes, authorizes DNR to plan, develop, operate, and maintain a Florida Recreational Trails System.

Section 253.023 of the Florida Statutes creates within the Department of Natural Resources, the Conservation and Recreation Lands Trust Fund (CARL).

Section 375.041, Florida Statutes, creates the Land Acquisition Trust Fund (LATF). The purpose of the fund is to enable DNR to purchase and maintain land and water areas for recreation and conservation.

These existing laws provide an avenue, through appropriate amendments, to formally authorize and fund a statewide "Rails to Trails" program.

#### Acquisition

To facilitate acquisition, DNR can monitor rail abandonment proceedings by communicating directly with the Interstate Commerce Commission and with the various railroads in the state to maintain an inventory of abandoned rights-of-way. One obstacle to acquisition is that the trustees presently are not authorized to accept quitclaim title in land purchases. Accepting quitclaim title means that the land acquired is not guaranteed to be free and clear of all claims to it. The legislature could solve this problem in two moves: by allowing the trustees to go ahead and accept quitclaim titles to abandoned rights-of-way and by giving DNR eminent domain authority to clear accepted titles to land with outstanding title claims.

#### Development and Maintenance

DNR can reduce development and maintenance costs by setting up cooperative programs with local governments, community organizations, private trail service groups, and others.

#### Administration

Staff requirements for the administration of a "Rails to Trails" program depends on the number of corridors acquired and the number of personnel already within DNR who are qualified and available to help administer the program. DNR could investigate the use of available personnel within its various divisions.

#### Agency Cooperation

DOT has offered its assistance to DNR in helping with initial purchase negotiations. Because DOT has considerable experience in negotiating purchases of rights-of-way, and in contracting with non-agency consultants, appraisers, title searchers, etc., it can provide DNR with ideas in how to make efficient use of existing and non-agency personnel resources in a "Rails to Trails" program.

If a "Rails to Trails" program is authorized by the legislature, DNR and DOT may end up competing for some of the same rights-of-way. DNR has suggested that, as DOT evaluates potential abandonments for transportation purposes, it should also be required under the state Rail Plan to evaluate for recreational purposes. DNR would work with DOT in developing evaluation criteria. In this way, the most suitable public use for each property could be determined. Where there is equal

transportation and recreation potential, joint projects between DNR and DOT may be undertaken. Joint projects may also be desirable where the cost of large parcels would prohibit either agency from individually purchasing a right-of-way.

### Funding

DNR is requesting \$18.7 million for acquisition of six parcels of land over the next three years. In addition, DNR suggests that a minimum of \$3 million annually is needed in fixed capital outlay for the development and operation of the rights-of-way. Another \$113,600 per year is proposed for staffing and administrating the "Rails to Trails" program. The \$28 million 3-year total may be reduced considerably by limiting proposed acquisitions to three over the next three years. Fewer acquisitions should also lower the maintenance and operations budget. A feasible request, then, might be \$3.5 million for the first year of the program.

Sources of funding might include:

- A direct appropriation, permanently earmarked, from the Land Acquisition Trust Fund. Each year, a surplus exists in the trust fund. As of 1985-86 the fund held a surplus of \$24.48 million.
- A direct appropriation, permanently earmarked, from the Conservation and Recreation Lands Trust Fund.
- A bonding program set up through the Land Acquisition Trust Fund, by transferring CARL money to the fund and using it to support the sale of bonds. Under the constitution, CARL money is not authorized for direct use in the sale of bonds.
- Appropriation through general revenue.
- Bottle taxes, bike license fees, taxes on recreational equipment, trail user fees, etc.
- Revenue generation through leasing DNR-purchased abandoned rights-of-way to utility companies, as long as the use does not interfere with public recreational purposes.

I will keep you informed so that you can determine what are realistic goals in seeking legislative support for a statewide "Rails to Trails" program. Please let me know if you have any questions. I will be happy to find the answers for you.

# Florida House of Representatives

Jon Mills, Speaker  
Committee on Natural Resources

Sidney Martin  
Chairman

Alfred "Al" Lawson, Jr.  
Vice Chairman

February 6, 1987

Honorable George Kirkpatrick  
D-6th District  
1103 N.W. 13th Street  
Gainesville, FL 32601

Dear Senator Kirkpatrick:

Enclosed is a copy of a memorandum prepared for Chairman Martin which identifies some considerations for legislating a statewide "Rails to Trails" program. Mr. Martin asked me to send you this information and to let you know that I will help you in any way I can. I have received more information and suggestions since this memo was prepared. I will contact your office next week to see what questions you may have and what further materials I can send to you.

Sincerely,



Terry Prude, Legislative Intern  
House Natural Resources Committee

TP/hlb



# Florida House of Representatives

Jon Mills, Speaker  
Committee on Natural Resources

Sidney Martin  
Chairman

Alfred "Al" Lawson, Jr.  
Vice Chairman

June 19, 1987

David G. Burwell, President  
Rails-to-Trails Conservancy  
1701 K. Street, N.W., Suite 304  
Washington, D.C. 20006

Dear Mr. Burwell:

Enclosed is Florida's rails to trails legislation which passed in the House and Senate on June 5, and which establishes the "Florida Rails to Trails Program." This legislation amends Chapter 260 and section 375.251, Florida Statutes. The language which amends existing law is underlined, while the language which creates sections 260.0141 and 260.0161, Florida Statutes, is not.

Funding for the program is included in the state appropriations budget, with \$3 million provided to the Department of Natural Resources for the acquisition and development of abandoned railroad rights-of-way for recreational trail use. The budget also contains money for three positions in the department's Division of Recreation and Parks for the administration of the program.

Representative Sidney Martin, who proposed the bill, is interested in finding a continuous source of funds for the program in the future.

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June 19, 1987

Let me know if you have any questions or need more information.  
I would be happy to help you.

Sincerely,

A handwritten signature in cursive script that reads "T. Pride".

Terry Pride, Legislative Intern  
House Natural Resources Committee

TP/cs

Enclosure