

CHAPTER 260

RECREATIONAL TRAILS SYSTEM

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260.011 Short title.—Sections 260.011–260.018 shall be known and may be cited as the “Florida Recreational Trails Act of 1979.”

History.—s. 1, ch. 79–110.

260.012 Declaration of policy and legislative intent.

(1) In order to provide the public with access to the use, enjoyment, and appreciation of the outdoor areas of Florida, and in order to conserve, develop, and use the natural resources of this state for healthful and recreational purposes, it is declared to be the public policy of this state and the purpose of ss. 260.011–260.018 to provide the means and procedures for establishing and expanding a network of recreational and scenic trails designated as the “Florida Recreational Trails System.” The standards by which the trails system shall be administered, maintained, used, and expanded shall be consistent with the provisions of ss. 260.011–260.018. It is the intent of the Legislature that these recreational trails will serve to encourage horseback riding, hiking, bicycling, canoeing, and jogging and thereby improve the health and welfare of the people.

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

(3) The planning, development, operation, and maintenance of the Florida Recreational Trails System authorized by ss. 260.011–260.018 is declared to be a

public purpose, and the Department of Environmental Protection, together with other governments and agencies of this state and all counties, municipalities, and special districts of this state, is authorized to spend public funds for such purposes and to accept gifts and grants of funds, property, or property rights from public or private sources to be used for such purposes.

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

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

History.—s. 2, ch. 79–110; s. 1, ch. 87–328; s. 3, ch. 91–62; s. 105, ch. 94–356.

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

(1) “Recreational trails” means riding, hiking, canoeing, bicycling, or jogging trails for the use of the public.

(2) “Riders” and “riding” mean horseback riders and horseback riding.

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

(4) “Division” means the Division of Recreation and Parks of the Department of Environmental Protection.

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

(6) “Canoe” means any nonmotorized watercraft propelled by human power.

History.—s. 3, ch. 79–110; s. 2, ch. 87–328; s. 4, ch. 91–62; s. 106, ch. 94–356.

260.014 Florida Recreational Trails System.—

(1) The Florida Recreational Trails System shall consist of individual trails and networks of trails designated as a part of the Florida Recreational Trails System by the department and administered in accordance with the rules published by the department.

(2) Insofar as is practicable, maps indicating the location of Florida recreational trails shall be published and distributed by the division. The description of canoe trails shall include a generalized map delineating the water body or section thereof designated, locations of suitable launch and takeout sites, as well as other points of interest to enhance the recreational opportunities of the public.

History.—s. 4, ch. 79–110.

260.0141 Rails to Trails Program.—There is established within the Florida Recreational Trails System the “Florida Rails to Trails Program,” the purpose of which is to acquire and develop abandoned railroad rights-of-way for public recreational trail use. Such rights-of-way shall be acquired pursuant to this act.

History.—s. 3, ch. 87–328.

260.015 Acquisition of land.—

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

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

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

(c) Projects acquired under this chapter shall not be subject to the evaluation and selection procedures of s. 259.035, regardless of the estimated value of such projects. All projects shall be acquired in accordance with the acquisition procedures of chapter 253, except that the department may use the appraisal procedure used by the Department of Transportation to acquire transportation rights-of-way.

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

(a) Accept title to abandoned railroad rights-of-way purchased or leased by or donated to the department and to any areas abutting such 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, notwithstanding s. 259.041(1).

(c) Enter into an agreement or, upon delegation, the department may enter into an agreement, with a non-profit corporation, as defined in s. 259.041(7)(e), to assume responsibility for acquisition of lands pursuant to this section. The agreement may transfer responsibility for all matters which may be delegated or waived pursuant to s. 259.041(1).

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

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

History.—s. 5, ch. 79-110; s. 4, ch. 87-328; s. 5, ch. 89-174; s. 8, ch. 92-288; s. 18, ch. 94-240.

260.016 General powers of Division of Recreation and Parks.—

(1) The Division of Recreation and Parks may:

(a) Publish and distribute appropriate maps of recreational trails, including recommended extensions thereof.

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

(c) Adopt appropriate rules for the use of recreational trails.

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

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

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

(2) The Division of Recreation and Parks shall:

(a) Evaluate existing and potential abandoned railroad rights-of-way to identify the corridors which are suitable for acquisition for recreational trail use and shall compile a list of suitable corridors, ranking them in order of priority for proposed acquisition. The division shall devise a method of evaluation which includes, but is not limited to, the consideration of:

1. Current and future recreational need;
2. Potential for local sharing in the acquisition, development, operation, or maintenance of abandoned rail corridors;
3. Costs of acquisition, development, operation, and maintenance; and
4. Time of availability of rights-of-way.

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

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

History.—s. 6, ch. 79-110; ss. 5, 8, ch. 87-328; s. 6, ch. 88-303; s. 5, ch. 91-62; s. 5, ch. 91-429.

260.0161 Coordination with Department of Transportation.—

(1) Upon the request of the department, the Department of Transportation shall provide information to the department on abandoned and to-be-abandoned railroad rights-of-way.

(2) The Department of Transportation and the department shall coordinate their evaluations of poten-

tial acquisitions and their acquisition priorities with respect to abandoned railroad rights-of-way in order to avoid competing for the same corridors.

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

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

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

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

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

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

History.—s. 6, ch. 87-328; s. 107, ch. 94-356.

260.017 Restrictions; rules.—The department may establish restrictions on the use of motorized watercraft within any defined canoe trail necessary to ensure the safe use of a water body for canoes. Restrictions established pursuant to this section must be adopted as a rule pursuant to s. 120.54, after proper notice and hearing, and may be enforced by any state or local law enforcement agency having jurisdiction over the area within which the trail is designated.

History.—s. 7, ch. 79-110.

260.018 Agency recognition.—All agencies of the state, regional planning councils through their comprehensive plans, and local governments through their local comprehensive planning process pursuant to chapter 163 shall recognize the special character of the lands and waters designated by the state as recreational trails and shall not take any action which will impair their use as designated.

History.—s. 8, ch. 79-110; s. 6, ch. 91-62.