

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 106

INTRODUCER: Senator Brodeur

SUBJECT: Florida Shared-Use Nonmotorized Trail Network

DATE: January 6, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Pre-meeting
2.			AP	

I. Summary:

SB 106 expands the existing Shared-Use Nonmotorized (SUN) Trail Network and enhances coordination of the state’s trail system with the Florida Wildlife Corridor. Specifically, the bill:

- Prioritizes the development of “regionally significant trails” which are defined as trails crossing multiple counties; serving economic and ecotourism development; showcasing the state’s wildlife areas, ecology, and natural resources; and serving as main corridors for trail connectedness across the state.
- Enhances the planning, coordination, and marketing of the state’s bicycle and pedestrian trail system and the Wildlife Corridor.
- Stipulates that trails developed within the Wildlife Corridor maximize the use of previously disturbed lands, such as abandoned roads and railroads, canal corridors, and drainage berms, and be compatible with applicable land use provisions.
- Requires the Florida Department of Transportation (FDOT) to erect uniform signage identifying trails that are part of the SUN Trail Network and to submit a periodic report on the status of the SUN Trail Network.
- Authorizes the FDOT and local governments to enter into sponsorship agreements for trails and to use associated revenues for maintenance, signage, and related amenities.
- Recognizes “trail town” communities and directs specified entities to promote the use of trails as economic assets, including the promotion of trail-based tourism.
- Increases recurring funding for the SUN Trail Network from \$25 million to \$50 million and provides a non-recurring appropriation of \$200 million to plan, design, and construct the SUN Trail Network.

The additional fiscal impact of the bill is unknown. See the “Fiscal Impact Statement” heading for more information.

II. Present Situation:

For ease of organization and readability, following an overview, the present situation is discussed in conjunction with the effect of the proposed changes.

Florida Greenways and Trails System

In 1995, the Legislature created the Florida Greenways Coordinating Council (FGCC), tasking the FGCC with promoting the creation of a statewide greenways and trails system and designating the FDEP as the lead agency of the system.¹ The FGCC published a five-year implementation plan for the Florida Greenways and Trails System (FGTS) in 1998.² The plan contained a multiuse recreational Opportunity Trail Map for connecting Florida's greenways and trails, providing a review of existing greenways and trails and making recommendations to complete the system.

In 1999, the Legislature created the Florida Greenways and Trails Council (the Council) as recommended by the 1998 Plan. Among other duties, the Council, then and now, facilitates establishment and expansion of a statewide system of greenways and trails for recreational and conservation purposes, including:

- Recommending priorities for critical links in the FGTS;
- Reviewing recommendations for acquisition funding;
- Reviewing proposals for lands to be designated as part of the FGTS; and
- Recommending updates to the implementation plan for the FGTS.³

In 2013, the FDEP published the *2013-2017 Florida Greenways and Trails System Plan*, the first update to the FGTS since the 1998 Plan was published.⁴ The Office of Greenways and Trails (OGT)⁵ within the FDEP, using the 1998 Land Trails Opportunity Map, established criteria to help identify priority land trail corridors within the FGTS, as opposed to priority segments, allowing for identification of potential long-distance trail corridors. The multi-county approach assisted in identification of gaps in connectivity across jurisdictional boundaries and in encouraging regional planning to close those gaps.⁶ The FGTS Plan and Maps are currently undergoing a third update for the 2024-2028 Fiscal Years.⁷

¹ Chapter 95-260, L.O.F.

² Executive Summary available at FDEP, *Connecting Florida Communities with Greenways and Trails Plan: A Summary of the Five Year Implementation Plan for the Florida Greenways and Trails System* (1998), available at [1998FGTSPlanExecutiveSummary_0.pdf \(floridadep.gov\)](#) (last visited August 19, 2022).

³ Section 260.0142(4), F.S.

⁴ FDEP, *Florida Greenways & Trails System Plan 2019-2023*, at p. 6, available at [FL-Greenway+Trails-System-Plan-\(floridadep.gov\)](#) (last visited August 19, 2022).

⁵ The OGT is tasked with fulfilling Chapter 260, F.S., the Florida Greenways and Trails Act. The Office leads, plans, and facilitates the development of an interconnected FGTS, through coordinated efforts with state and local partners, to compile local trails data from cities, counties, and other land managing entities into one inclusive system. *Id.* at p. 4.

⁶ *Supra*, note 7. The FDEP's resulting Land Trails Opportunity Maps are "the state companion to community greenways and trails and bicycle and pedestrian master plans, and [encompass] a combination of paved and unpaved, multiple and single-use trails."

⁷ See the 2024-2028 FGTS Plan and Maps Update Schedule at FDEP, *Florida Greenways and Trails System Plan and Maps*, available at [Florida Greenways and Trails System Plan and Maps | Florida Department of Environmental Protection](#) (last visited January 10, 2023).

The FDEP is authorized to acquire lands, both public and private, to establish and expand a statewide system of greenways and trails for recreational and conservation purposes, using funds from the Florida Forever Trust Fund distributed to the FDEP for acquisition of lands under the Florida Greenways and Trails Program, and to designate lands as part of the FGTS.⁸ According to the *2019-2023 Florida Greenways and Trails System Plan*, “Since January 2013, 59 projects totaling over 225,000 acres and 756 trail miles have been designated in the statewide Greenways and Trails System including state trails and parks, national forest lands and trails, locally managed greenways and trails, blueways and many other areas.”⁹

Florida Shared-Use Nonmotorized (SUN) Trail Network

The Legislature continued working on trail connectivity in 2014 by authorizing the FDOT to use appropriated funds to support establishment of a statewide system of interconnected multiuse trails and to pay the costs of planning, land acquisition, design, and construction of trail projects and related facilities.¹⁰

The FDOT must include projects to be funded under that law in the FDOT’s work program. However, a funded project must be operated and maintained by an entity other than the FDOT upon completion of construction. The FDOT is not obligated to provide funds for the operation and maintenance of a trails project.¹¹

In 2015, the Legislature formally created the Florida Shared-Use Nonmotorized Trail Network (SUN Trail Network)¹² *as a component of the FGTS*. The SUN Trail Network “consists of multiuse trails or shared-use paths physically separated from motor vehicle traffic and constructed with asphalt, concrete, or another hard surface which, by virtue of design, location, extent of connectivity or potential connectivity, and allowable uses, provides nonmotorized transportation opportunities for bicyclists and pedestrians statewide between and within a wide range of points of origin and destinations, including, but not limited to, communities, conservation areas, state parks, beaches, and other natural or cultural attractions for a variety of trip purposes, including work, school, shopping, and other personal business, as well as social, recreational, and personal fitness purposes.”¹³

⁸ Chapter 260 and s. 259.105(3)(h), F.S. “Designation” of lands means the identification and inclusion of specific lands and waterways as part of the statewide system of greenways and trails pursuant to a formal public process, including the specific written consent of the landowner when private property is to be used for trail purposes. When the FDEP determines that public access is appropriate for greenways and trails, written authorization must be granted by the landowner to the FDEP permitting public access to all or a specified part of the landowner’s property. Section 260.013(3), F.S. The processes for solicitation, application, evaluation, and selection of lands to be acquired or developed, and for designation of public conservation or recreational lands and waterways and for private lands and waterways, are set out in Fla. Admin. Code R. 62S-1.

⁹ *Supra*, note 7.

¹⁰ Chapters 2014-50 and 2014-53, L.O.F.

¹¹ Section 335.065(4)(b), F.S.

¹² Chapter 2015-228, L.O.F.

¹³ Section 339.81(2), F.S. The FDOT describes the network as follows: “The SUN Trail Network is the statewide system of high-priority (strategic) paved trail corridors for bicyclists and pedestrians. Today, the SUN Trail network includes a combination of existing, planned, and conceptual multiple-use trails; it is a refined version of the Florida Greenways and Trails System (FGTS) Plan’s Land Trails Priority Network. The FGTS is developed and overseen by the Florida Department of Environmental Protection. Not all trails are within the SUN Trail Network. Implementing projects in the SUN Trail Network increases the reliability of Florida’s transportation system. FDOT Systems Implementation Office, *Shared-Use*

The FDOT is currently required to allocate a minimum of \$25 million annually for purposes of funding and maintaining projects within the network and must include network projects in its work program.¹⁴ The FDOT is also authorized to enter into an agreement with a local government or other agency of the state to transfer maintenance responsibilities, or with a not-for-profit entity or private sector business or entity to provide maintenance services, on an individual network component.¹⁵

The FDOT advises that the full network will encompass approximately 4,000 miles of trails, with one-third currently open for use. Since 2015, 25 projects have been completed, 38 are funded in the current work program, and 45 are planned for future development. From 2017 to 2027, over \$303 million in project phases have been funded by the SUN Trail program.¹⁶

Florida Wildlife Corridor

The 2021 Legislature created the Florida Wildlife Corridor Act to “create incentives for conservation and sustainable development while sustaining and conserving green infrastructure that acts as the foundation of the state’s economy and quality of life[.]”¹⁷ The Legislature also appropriated \$300 million,¹⁸ directing the FDEP to encourage and promote investments in areas that protect and enhance the Wildlife Corridor by establishing a “network of connected wildlife habitats required for the long-term survival of and genetic exchange amongst regional wildlife populations which serves to prevent fragmentation by providing ecological connectivity of the lands needed to furnish adequate habitats and allow safe movement and dispersal.”¹⁹

The Florida Wildlife Corridor (Wildlife Corridor) is statutorily defined as “the conserved lands”²⁰ and “opportunity areas”²¹ defined by the FDEP as priority one, two, and three categories of the Florida Ecological Greenways Network (FEGN).²² The FEGN “is the primary data layer used to inform the Florida Forever [] and other state, federal, and regional land acquisition programs regarding the most important ecological corridors and intact landscapes across the state

Nonmotorized (SUN) Trail Program, available at [Shared-Use Nonmotorized \(SUN\) Trail Program \(fdot.gov\)](https://www.fdot.gov/sun-trail-program) (last visited October 26, 2022).

¹⁴ Section 339.81(5), F.S.

¹⁵ Section 339.81(6), F.S.

¹⁶ See the Senate Transportation Committee Meeting Packet, January 17, 2023, p.16, FDOT SUN Trail Program Presentation, available at [10027 MeetingPacket 5583 3.pdf \(flsenate.gov\)](#) (last visited January 21, 2023).

¹⁷ Section 259.1055(3), F.S.

¹⁸ Chapter 2021-37, L.O.F., s. 152.

¹⁹ Section 259.1055(4)(g), F.S.

²⁰ Defined in s. 259.1055(4)(a), F.S., to mean “federal, state, or local lands owned or managed for conservation purposes, including, but not limited to, federal, state, and local parks; federal and state forests; wildlife management areas; wildlife refuges; military bases and airports with conservation lands; properties owned by land trust and managed for conservation; and privately owned land with a conservation easement, including, but not limited to, ranches, forestry operations, and groves.”

²¹ “[T]hose lands and waters within the Florida wildlife corridor which are not conserved lands and the green spaces within the Florida wildlife corridor which lack conservation status, are contiguous to or between conserved lands, and provide an opportunity to develop the Florida wildlife corridor into a statewide conservation network.” Section 259.1055(4)(e), F.S.

²² Section 259.1055(4)(d), F.S. For a 2021 layered map reflecting the Wildlife Corridor, Florida Forever Projects and Acquisitions, and FEGN Priority Levels 1-3, see the FDEP’s map available at [Florida Forever and Florida Ecological Greenways Network \(FEGN\) \(floridadep.gov\)](#) (last visited November 15, 2022).

for protection of Florida’s native wildlife, ecosystem services, and ecological resiliency.”²³ The priority-category lands “are the most important for protecting [an] ecologically functional connected statewide network of public and private conservation lands.”^{24, 25}

The Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (the Board) are currently authorized to spend appropriated funds to acquire the fee or less-than-fee interest in lands for a variety of conservation and recreational purposes.²⁶ Among the authorized uses of the funds is the provision of recreational trails for natural resource-based recreation and other outdoor recreation on any part of any site compatible with conservation purposes.²⁷

The Acquisition and Restoration Council²⁸ provides assistance to the Board in reviewing the recommendations and plans for state-owned lands acquired under s. 253.034 (State-owned lands; uses) and Chapter 259 (Land Acquisitions for Conservation and Recreation).²⁹ A proposal for a project may be implemented only if adopted by the council and approved by the Board.³⁰

The FDEP notes that the existing Wildlife Corridor “encompasses nearly 17.7 million acres – 9.6 million acres (54%) that are already protected and 8.1 million acres (46%) of remaining opportunity areas that do not have conservation status.”³¹ Further, “There are 1.46 million acres within the Florida Wildlife Corridor opportunity area that are a high priority for conservation through the State’s Florida Forever program.”³²

Currently, the FDEP is tasked with a number of statutory duties relative to the Wildlife Corridor. Among them, the FDEP is directed to encourage state and local agencies with economic and ecotourism development responsibilities to recognize the importance of the Wildlife Corridor in encouraging public access to wildlife areas and bringing nature-based tourism to local

²³ FDEP, *Florida Wildlife Corridor*, available at https://floridadep.gov/sites/default/files/Florida_Wildlife_Corridor.pdf (last visited November 14, 2022).

²⁴ Florida Natural Areas Inventory (FNAI), *Florida Natural Areas Inventory Geospatial Open Data, Summary*, available at [FEG2021 | Florida Natural Areas Inventory \(fnai.org\)](https://feg2021.org/Florida-Natural-Areas-Inventory-fnai.org) (last visited November 15, 2022). The FNAI provides scientific support to the FDEP.

²⁵ Section 259.1055(4)(c), F.S., defines the FEGN as “a periodically updated model developed to delineate large connected areas of statewide ecological significance.”

²⁶ Section 259.032(2), F.S.

²⁷ Section 259.032(2)(g), F.S.

²⁸ Created in s. 259.035, F.S. For additional information about the Acquisition and Restoration Council, see FDEP, *Acquisition and Restoration Council (ARC)*, available at [Acquisition and Restoration Council \(ARC\) | Florida Department of Environmental Protection](https://floridadep.gov/arc) (last visited November 15, 2022).

²⁹ Section 259.035(3), F.S.

³⁰ Section 259.035(6), F.S. The procedures, standards, and criteria for evaluation and selection of lands proposed for acquisition, restoration, and other capital improvements with funds from the Florida Forever Trust Fund or funds deposited into the Land Acquisition Trust Fund are set out in Fla. Admin. Code R. 18-24. The procedures for voluntary, negotiated acquisitions under agreements for purchase, option, or exchange are found in Fla. Admin. Code R. 18-1.

³¹ Florida Wildlife Corridor Foundation, *About the Corridor*, available at [About The Corridor - The Florida Wildlife Corridor](https://www.floridawildlifecorridor.org/about-the-corridor) (last visited November 14, 2022).

³² Section 259.105, F.S., sets out the Florida Forever Act. “Florida Forever is Florida’s premier conservation and recreation lands acquisition program; a blueprint for conserving Florida’s natural and cultural heritage.” See FDEP, *Florida Forever*, for additional information, available at [Florida Forever | Florida Department of Environmental Protection](https://floridadep.gov/florida-forever) (last visited November 14, 2022).

communities.³³ Aside from such encouragement, however, current law appears to contain no specific direction relative to coordination or integration of the FGTS, its component SUN Trail Network, and the Wildlife Corridor. Opportunities may exist to close gaps in the FGTS and the SUN Trail Network; enhance expansion, preservation, and connectivity of the Wildlife Corridor; and promote economic development by providing enhanced public access to publicly-funded recreation and conservation lands.

III. Effect of Proposed Changes:

SUN Trail Legislative Findings, Declarations, and Intent (Section 9)

Present Situation

Among others, current law recites the Legislature's finding that significant challenges to providing additional capacity to the conventional transportation system exist and will require enhanced accommodation of alternative travel modes to meet the needs of residents and visitors.³⁴

Current law also recites the Legislature's declaration that the development of a nonmotorized trail network will increase mobility and recreational alternatives for Florida's residents and visitors, enhance economic prosperity, enrich quality of life, enhance safety, and reflect responsible environmental stewardship. Additionally, current law expresses the Legislature's intent that the FDOT make use of its expertise in efficiently providing transportation projects to develop the SUN Trail Network.³⁵

Effect of Proposed Changes

The bill amends s. 339.81(1), F.S., to revise legislative findings, declarations, and intent to provide a more specific focus on the importance of accommodating alternative travel modes and providing trails for bicyclist and pedestrian travel that allow for appreciation of conservation and stewardship of environmentally important lands.

Further, this section of the bill expresses the Legislature's finding that the investment of the state in the Wildlife Corridor is of significant interest to the public and that provisions of paved multiuse trails within or between the Wildlife Corridor would enable the public to enjoy Florida's natural resources, bring ecotourism and economic opportunities to local trail town communities,³⁶ and facilitate support for the protection, preservation, and enhancement of the natural and recreational value of the Wildlife Corridor by providing minimally invasive public access to it when feasible and compatible with the lands.

Additionally, the bill revises Legislative intent that the FDOT make use of its expertise to develop *and construct* the SUN Trail Network, consistent with current practice.

³³ Section 259.1055(5)(h), F.S.

³⁴ Section 339.81(1), F.S.

³⁵ *Id.*

³⁶ Trail towns are discussed below on pp. 13-14.

SUN Trail Description, Requirements, and Components (Section 9)

Present Situation

The SUN Trail Network is statutorily described as consisting of a statewide network of nonmotorized trails which allows nonmotorized vehicles and pedestrians to access a variety of origins and destinations with limited exposure to motorized vehicles.³⁷

The network must be physically separated from motor vehicle traffic and constructed with asphalt, concrete, or another hard surface which, by virtue of design, location, extent of connectivity or potential connectivity, and allowable uses, provides nonmotorized transportation opportunities for bicyclists and pedestrians statewide between and within a wide range of points of origin and destinations, including, but not limited to, communities, conservation areas, state parks, beaches, and other natural or cultural attractions for a variety of trip purposes, including work, school, shopping, and other personal business, as well as social, recreational, and personal fitness purposes.³⁸

Network components currently do not include sidewalks, nature trails, loop trails wholly within a single park or natural area, or on-road facilities, such as bicycle lanes or routes other than:

- On-road facilities that are no longer than one-half mile connecting two or more nonmotorized trails, if the provision of non-road facilities is infeasible and if such on-road facilities are signed and marked for nonmotorized use; or
- On-road components of the Florida Keys Overseas Heritage Trail.³⁹

Effect of Proposed Changes

The bill amends s. 339.81(2), F.S., to relocate the SUN Trail Network description and otherwise make editorial revisions to improve readability. The bill also includes lands of the Wildlife Corridor as a point of origin or destination, thereby extending the SUN Trail Network to lands of the Wildlife Corridor.

This section of the bill also amends s. 339.81(3), F.S., to provide that network components that connect to nature trails, loop trails, or other points of public access wholly within a single park or natural area may be included in the network. This revision would allow “in-and-out” pedestrian or bicycle trips within a single park or natural area.

SUN Trail Project Requirements (Section 9)

Present Situation

The current SUN Trail statute contains no provisions specifically relating to trail projects to be constructed within the Wildlife Corridor or on conservation lands or other lands subject to conservation easements, land management plans,⁴⁰ or agreements. Additionally, while current

³⁷ Section 339.81(2), F.S.

³⁸ *Id.*

³⁹ Section 339.81(3), F.S.

⁴⁰ A land management plan is required for any instrument authorizing the use of state lands owned by the Board of Trustees of the Internal Improvement Trust Fund. Section 253.04, F.S.

law requires the FDOT to include SUN Trail projects in its work program,⁴¹ no provision speaks to how specific projects are to be programmed.

Effect of Proposed Changes

The bill amends s. 339.81(5), F.S., adding new requirements for trail projects as follows:

- The FDOT is required, to the greatest extent possible, to ensure that trail projects constructed within the Wildlife Corridor, or on conservations lands or other lands subject to conservation easements, land management plans, or agreements, are constructed using previously disturbed lands, such as abandoned roads and railroads, utility rights-of-way, canal corridors and drainage berms, permanent fire lines, and other lands having appropriate potential to serve the purposes of the SUN Trail Network and the Wildlife Corridor. In developing the planning and design of trails, the FDOT is required to coordinate with other state agencies to ensure that appropriate recreation or public access is available for such projects.⁴²
- The FDOT is required, to the greatest extent practical, to program trail projects in its work program to plan for development of the entire trail and to minimize the creation of gaps between trail segments. At a minimum, the FDOT is required to ensure that local support exists for projects and trail segments, including the availability or dedication of local funding sources and of contributions by private landowners who agree to make their land, or property interests in such land, available for public use as a trail.⁴³

SUN Trail Signage and Sponsorship Agreements (Section 9)

Present Situation

The FDOT's *SUN Trail Program Style Guide* "standardizes the use of the [] program's "style" including the logo; color palette; and other identifying marks for visual, digital, and written communications to maintain consistency between audiences."⁴⁴ The SUN Trail logo (two versions) "is available for use on plans, signage, and related materials for any segment of the SUN Trail Network that will be – or is already open for public use."⁴⁵

The FDOT is currently authorized to enter into a concession agreement with a not-for-profit entity or private sector business or entity for commercial sponsorship displays on multiuse trails and related facilities along state roads and transportation facilities and to use any concession agreement revenues for the maintenance of the trails and facilities. Such displays are subject to the requirements of the Highway Beautification Act of 1965⁴⁶ and all federal laws and

⁴¹ *Supra* note 18.

⁴² The FDOT and the FDEP are currently required to coordinate their evaluations of potential acquisitions and acquisition priorities with respect to abandoned railroad rights-of-way as provided in s. 260.0161, F.S.

⁴³ Section 260.0125, F.S., limits the liability of a private landowner who makes their land available for public use as a trail under certain conditions. For example, such a landowner is not presumed to assure that such land is safe for any purpose, has no duty of care to a person who goes on the land, and does not become liable for any personal or property injury or damage caused by a person who goes on the land.

⁴⁴ Available at [SUN Trail Style and Logo Guide \(windows.net\)](#) (last visited December 15, 2022).

⁴⁵ *Id.* at p. 1.

⁴⁶ The Act allows the location of certain outdoor signs in commercial or industrial areas, mandates a state compliance program, requires the development of state standards, promotes the expeditious removal of illegal signs, and requires just compensation for takings. The Act mandates state compliance and the development of standards for certain signs as well as the removal of others. While the states are not directly forced to control signs, failure to impose the required controls can

agreements, when applicable.⁴⁷ The FDOT must administer a concession agreement, and the agreement must include the requirements of s. 335.065, F.S.⁴⁸

Commercial sponsorship signage or displays on bicycle and pedestrian ways along state roads and transportation facilities must comply with s. 337.407, F.S.,⁴⁹ and Chapter 479, F.S.⁵⁰ In addition, the following limitations apply to signs or displays:

- One large sign or display, not exceeding 16 square feet in area, may be located at each trailhead or parking area.
- One small sign or display, not exceeding four square feet in area, may be located at each designated trail public access point.⁵¹

The FDOT must approve each name or sponsorship display before installation⁵² and must ensure that the size, color, materials, construction, and location of all signs are consistent with the management plan for the property and the FDOT's standards, do not intrude on natural and historic settings, and contain only a sponsor-selected logo and specified wording.⁵³ The concessionaire is required to pay all costs of a display, including development, construction, installation, operation, maintenance, and removal costs.⁵⁴

The term of a concession agreement must be for one year, but may be for a longer period under a multiyear agreement. Upon 60 days' advance notice, the FDOT may terminate an agreement for just cause, including, but not limited to, violation of the terms of the agreement or of s. 335.065, F.S.⁵⁵

Effect of Proposed Changes

The bill amends s. 339.81(7), F.S., requiring the FDOT to create uniform signage to identify trails that are part of the statewide network and shall, when feasible and permissible, erect signage on all such trails open to public use, regardless of when the trail was first opened. Consistent with current law,⁵⁶ the bill re-states that the FDOT is not otherwise obligated to provide funds for the operation and maintenance of any trail on the statewide network.

result in a substantial penalty. The penalty for noncompliance with the Act is a 10 percent reduction of the state's annual federal-aid highway apportionment. For a copy of the agreement between the State of Florida and the United States Department of Transportation, see scenic.org at [Florida Agreement \(scenic.org\)](http://FloridaAgreement(scenic.org)) (last visited December 15, 2022).

⁴⁷ Section 335.065(3), F.S.

⁴⁸ Section 335.065(3)(a), F.S.

⁴⁹ That section generally prohibits erection of any sign or light within the right-of-way limits of any road on the interstate highway system, the State Highway System, or the State Park Road System.

⁵⁰ That chapter regulates and controls signs in areas adjacent to the highways of this state, consistent with the Highway Beautification Act. A "sign" is any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form, whether placed individually or on a V-type, back-to-back, side-to-side, stacked, or double-faced display or automatic changeable facing, designed, intended, or used to advertise or inform, any part of the advertising message or informative contents of which is visible from any place on the main-traveled way. Section 479.01(19), F.S.

⁵¹ Section 335.065(3)(b)1., F.S.

⁵² Section 335.065(3)(b)2., F.S.

⁵³ Section 335.065(3)(b)3., F.S.

⁵⁴ Section 335.065(3)(b)4., F.S.

⁵⁵ Section 335.065(3)(c), F.S. Similar provisions, almost identical in some cases, are contained in s. 260.0144, F.S., with respect to concession agreements and commercial sponsorship displays on state greenways and trails.

⁵⁶ *Supra* note 14.

In addition, this section of the bill lifts the provisions of s. 335.065(3)(b) and (c), F.S., currently applicable to signage and concession agreements for commercial sponsorship displays on bicycle and pedestrian ways along state roads and transportation facilities, as discussed above, and places them in a new subsection (8) of s. 339.81, F.S., making the provisions expressly applicable to signage and sponsorship agreements with respect to trails and related facilities on the SUN Trail Network.

The bill authorizes the FDOT and local governments to enter into sponsorship (instead of “concession”) agreements⁵⁷ and to use the revenues for maintenance, signage, and provision of amenities on the multiuse trails and related facilities. The FDOT or local government, as appropriate, must administer a sponsorship agreement and ensure that such an agreement complies with the provisions of s. 335.065(3)(b) and (c), F.S.

Should the FDOT or a local government enter into an agreement relating to commercial sponsorship displays on the SUN Trail Network, the agreement will, for example, be subject to the Highway Beautification Act, when applicable, and to the sign or display-size limitations, as well as to the provisions regarding costs of a display and terms of such an agreement.

SUN Trail Reporting Requirement (Section 9)

Present Situation

Current law contains no reporting requirement relative to the SUN Trail Network. The FDOT conducted and has posted a SUN Trail Transportation Use Study of five selected trails in Florida in 2019, as well as two other “SUN Trail Reports” on the relevant web page.⁵⁸ The FDOT also maintains a Statewide Non-Motorized Traffic Monitoring Program⁵⁹ aimed at providing bicycle and pedestrian volume counts, supporting statistics, and information that can be used for analyses such as safety studies, planning and programming of FDOT facilities, and road and trail maintenance and enhancements.

Effect of Proposed Changes

The bill adds a new SUN Trail Network reporting requirement, creating subsection (9) of s. 339.81, F.S. By June 30, 2026, and every third year on June 30 thereafter, the bill requires the FDOT, in coordination with the FDEP, to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives summarizing the status of the SUN Trail Network. The report may include recommendations for any legislative revisions deemed appropriate to facilitate connectivity of the statewide network.

⁵⁷ No apparent distinction exists between the terms “concession agreement” and “sponsorship agreement.” The FDOT currently offers participation in its “Statewide Sponsorship Program” under which an organization, business, or individual provides maintenance, operation, or enhancement of an FDOT program, service, or facility in exchange for a sign or plaque acknowledging the sponsor installed at an appropriate location. The program is operated in accordance with Federal Highway Administration Policy. FDOT, *Statewide Sponsorship Program*, available at [Statewide Sponsorship Program \(fdot.gov\)](https://www.flhwy.com/statewide-sponsorship-program) (last visited January 11, 2023).

⁵⁸ See FDOT, *Systems Implementation Office, Other Resources, SUN Trail Reports*, available at [SUN Trail - Other Resources \(fdot.gov\)](https://www.flhwy.com/sun-trail-reports) (last visited December 15, 2022).

⁵⁹ See FDOT, *Statewide Non-Motorized Traffic Monitoring Program*, available at [Florida Non-Motorized Traffic Monitoring \(fdot.gov\)](https://www.flhwy.com/non-motorized-traffic-monitoring-program) (last visited December 15, 2022).

The report must include, at a minimum, all of the following:

- The total number of completed miles of nonmotorized trails on the network.
- The total number of completed miles of nonmotorized trails on the network not adjacent to a roadway facility.
- The total number of completed miles of nonmotorized trails on the network adjacent to a roadway facility.
- The total number of completed miles of nonmotorized trails on the network which are within or between areas of the Florida wildlife corridor.
- The total remaining miles of nonmotorized trails on the network which are planned for acquisition and construction.
- The total expenditures, by funding source, associated with implementing the network.
- The total expenditures, by project phase, including preliminary and environmental planning, design, acquisition of right-of-way, and new construction of trail surfaces and bridges on the network.

The FDOT is required to coordinate with the Florida Tourism Industry Marketing Corporation, local governments, or other entities with related information, to include in the report, for each existing trail on the network which is open to public use, identified by the FDOT's trailway identification number, segment name, segment length, and county of location, specified operational and performance measures.

Funding and Project Priorities (Sections 6, 7, and 9 - 11)

Present Situation

Current law imposes a fee of \$225 upon the initial application for registration of certain motor vehicles.⁶⁰ After authorized refunds,⁶¹ 85.7 percent of such funds must be deposited into the State Transportation Trust Fund (STTF), and the FDOT must use \$25 million of those funds for the SUN Trail Network.⁶² Correspondingly, the FDOT is currently required to allocate a minimum of \$25 million annually for purposes of funding and maintaining projects within the SUN Trail Network and must include network projects in its work program.⁶³

The FDOT must give funding priority to projects that:

- Are identified by the FGTC as a priority within the FGTS.
- Support the transportation needs of bicyclists and pedestrians.
- Have national, statewide, or regional importance.
- Facilitate an interconnected system of trails by completing gaps in existing trails.⁶⁴

⁶⁰ Section 320.072, F.S.

⁶¹ See s. 320.072(3), F.S.

⁶² Section 320.072(4)(a), F.S.

⁶³ Section 339.81(5), F.S.

⁶⁴ Section 335.065(4), F.S.

As noted by the FDOT, multi-use trails happen in Florida through the collaboration of multiple partners.⁶⁵ Other funding sources; e.g., the FDEP, local governments, and private foundations, may be used for a given SUN Trail project in conjunction with SUN Trail funding. “There is no single model for how trails are funded, developed and managed in Florida.”⁶⁶

Effect of Proposed Changes

The bill amends ss. 320.072(4)(a) and ss. 339.81(5), F.S., to increase from \$25 million to \$50 million the statutorily required amount of funding for the SUN Trail Network.

The bill amends ss. 335.065(4) and ss. 339.81(5), F.S., to revise the funding priorities for SUN Trail Network projects, requiring the FDOT to give funding priority to projects that:

- Are recommended priorities by the FGTC as regionally significant trails.
- Have national, statewide, or regional importance.
- Are otherwise identified by the FGTC as a priority for critical linkage and trail connectedness within the FGTS.
- Facilitate an interconnected system of trails by completing gaps between existing trails.
- Support the transportations needs of bicyclists and pedestrians.

The bill appropriates to the FDOT for the 2023-2024 fiscal year \$200 million in nonrecurring funds from the General Revenue Fund to plan, design, and construct projects on the SUN Trail Network.

The bill also recites that the amendments to the SUN Trail statute⁶⁷ are not intended to delete, defer, delay, or otherwise revise SUN Trail projects programmed in the FDOT’s tentative⁶⁸ five-year work program for Fiscal Year 2023-2024 through 2027-2028. The FDOT is authorized to maintain such projects in development of the adopted work program. For the additional funding provided in the bill, the FDOT is directed to work with the MPOs, boards of county commissioners, and districts, where appropriate, to revise any year of the five-year adopted work program to identify new SUN Trail projects to be added, or projects or phases thereof that may be moved up from the portion of the tentative work program for the following four fiscal years.

⁶⁵ See FDOT, *Shared-Use Nonmotorized (SUN) Trail Program Funding Requests, Developing the next new fifth year of the Work Program (Fiscal Years 2028/2029) for adoption, July 1, 2024*, at p. 2, available at [Shared-Use Nonmotorized \(SUN\) Trail Program Funding Requests \(windows.net\)](#) (last visited December 16, 2022). This document sets out project eligibility criteria, the FDOT’s process for its most recent solicitation of requests for program funding, the grant application process, and additional detailed program information.

⁶⁶ *Id.*

⁶⁷ Section 339.81, F.S.

⁶⁸ Essentially, as the first year of the annually-adopted five-year work program is completed, the second year becomes the first year of the next adopted five-year work program, and a new fifth year is added based on projects in the tentative work program, which is the 5-year listing of all transportation projects planned for each fiscal year, developed by the FDOT central office based on the district work programs.

Metropolitan Planning Organization Long-Range Transportation Plans and Project Priority Lists (Sections 8 and 9)

Present Situation

Metropolitan Planning Organizations (MPOs), or the boards of county commissioners serving as the MPO in those counties which are not located in an MPO, are required, in cooperation with the state and public transit operators, to develop transportation plans and programs for metropolitan areas.⁶⁹ As part of the transportation planning process and among other duties, each MPO is required to develop a long-range transportation plan addressing at least a 20-year horizon.⁷⁰

Among other minimum requirements, the long-range plan must indicate, as appropriate, proposed transportation enhancement activities which include, but are not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway safety runoff, and control or outdoor advertising.

MPOs⁷¹ are also required to develop an annual list of transportation project priorities and submit the list to the appropriate FDOT district.⁷² District work programs are developed based on these lists and submitted to the FDOT Central Office, resulting in the annual adoption of the FDOT's five-year work program.⁷³

Effect of Proposed Changes

The bill amends s. 339.175(7)(d), F.S., to include trails or facilities that are regionally significant or critical linkages for the SUN Trail Network in the list of transportation enhancement activities described above. This revision encourages MPOs to begin long-range planning for regionally significant or critical-linkage trails or facilities by requiring their indication, as appropriate, in long-range plans as a proposed transportation enhancement activity.

The bill also amends s. 339.81(5), F.S., to require that each MPO or the board of county commissioners, as appropriate, include in its list of project priorities one or more SUN Trail projects that are a priority under the revisions to the statutory funding priorities,⁷⁴ particularly, and to the SUN Trail statute, generally. When developing the FDOT district work programs, each district must include such projects.

Trail Towns (Section 1)

Present Situation

According to the FDEP, in Florida, a trail town "is a community located along or in proximity to one or more long-distance non-motorized recreational trails. Whether on a paved or unpaved

⁶⁹ See generally, s. 339.175, F.S.

⁷⁰ Section 339.175(7), F.S.

⁷¹ Or the board of county commissioners serving as the MPO in those counties which are not located in a metropolitan planning organization, per s. 339.135(4)(c)1., F.S.

⁷² Section 339.175(8), F.S.

⁷³ *Id.*

⁷⁴ Described on pp. 11-12 above.

multi-use trail, paddling, equestrian or hiking trail, recreational users can venture off the main path to enjoy the services and unique heritage of the nearby community. The town is a safe place where both town residents and trail users can walk, bike, jog etc., find the goods and services they need, and easily access both the trail and the town. In such a town, the trail is an integral and important part of the community.”⁷⁵

According to the FDEO:⁷⁶

The combined benefit of all Florida state trails is \$95 million to their host communities. The three trails located in Orange County contribute \$42.6 million to the local economy and create 516 jobs. In North Florida, the St. Marks Trail in Tallahassee provides a \$1.9 million economic benefit to Tallahassee businesses. The Pinellas Trail in Dunedin, Florida is another success story. Downtown Dunedin was transformed with the arrival of the trail, with a pre-trail store-front vacancy rate of 35% which rocketed to a 100% post-trail occupancy rate, with a waiting list.⁵ Dunedin's economic development director describes the trail as an "economic engine.”⁷⁷

Florida’s FDEP-recognized trail towns currently include: Dunedin, Titusville, Malabar, Vilano Beach, Clermont, Palatka, Inverness, Deltona, Everglades City, Winter Garden, Gainesville, and Debary. Signs, stickers, and publicity are provided free of charge to recognized trail towns.⁷⁸ While the FDEP is generally authorized to establish, develop, and publicize greenways and trails in the FGTS, no statutory authority is identified that expressly authorizes the FDEP to designate or recognize trail towns in Florida.

Effect of Proposed Changes

The bill amends s. 260.014, F.S., expressly authorizing the FDEP to establish a program to recognize local communities located along or in proximity to one or more long-distance nonmotorized recreational trails as trail towns.

Florida Greenways and Trails Council Membership (Section 2)

Present Situation

The FGTC is currently composed of 20 members, five of which are appointed by the Governor.⁷⁹ Of the five, two members each must represent the trail user community and the greenway user

⁷⁵ FDEP, *Trail Towns Guidelines and Self-Assessment*, p. 3, available at [Trail Town Assessment and Guidelines \(floridadep.gov\)](https://www.floridadep.gov/trail-town-assessment-and-guidelines) (last visited December 15, 2022). The FDEP notes that “Studies show that the longer a trail is, the farther people will travel to visit it, the longer they will stay, and the more money they will spend” and that “a day-user on a trail will spend four times the amount of a local user, and is likely to make a return trip to the Trail Town. An overnight visitor may spend twice the amount of a day-user.” *Id.*

⁷⁶ For example, the Paradise Coast Trail Corridor in Naples, connecting Collier County with Florida’s Paradise Coast, is estimated to create 425 jobs directly. See [rails.to/trails conservancy, SUN Trail – Paradise Cost Trail Corridor](https://www.rails.to/trails-conservancy), available at [SUN Trail – Paradise Coast Trail Corridor, Naples, FL | Rails-to-Trails Conservancy \(railstotrails.org\)](https://www.rails.to/trails-conservancy) (last visited December 15, 2022).

⁷⁷ FDEO, *The Economic Benefits of Ecotourism*, (citations omitted) available at [The Economic Benefits of Ecotourism - FloridaJobs.org](https://www.floridajobs.org) (last visited December 15, 2022).

⁷⁸ See FDEP, *Trail Town Program*, available at [Trail Town Program | Florida Department of Environmental Protection](https://www.floridadep.gov/trail-town-program) (last visited December 15, 2022).

⁷⁹ See s. 260.0142(1), F.S.

community, and one member must represent private landowners. The Florida Wildlife Corridor Foundation (Foundation) is a Florida-based nonprofit corporation⁸⁰ with the mission “to champion a collaborative campaign to permanently connect, protect and restore the Florida Wildlife Corridor,” By combining science, imagery, and storytelling to increase the Corridor’s visibility and encourage its protection, and through citizen education and involvement, the Foundation “advocates for the protection of the missing links needed to connect conservation lands in the Corridor.”⁸¹ The FGTC membership currently does not include a member from the Foundation.

Effect of Proposed Changes

The bill amends s. 260.0142(1)(a)1., F.S., to add a member from the board of the Florida Wildlife Corridor Foundation, appointed by the Governor, to the membership of the FGTC, increasing the Governor’s appointees to six and the total number of FGTC members to 21.

Florida Greenways and Trails Council Duties and Powers (Sections 2 and 3)

Present Situation

The FGTC is currently directed to advise the FDEP in the execution of the FDEP’s powers and duties under Chapter 260, F.S.,⁸² and is charged with a number of attendant duties. The FDEP is also statutorily granted a number of general powers. Among them, the FDEP is required to develop and disseminate criteria for designation of specific lands and waterways as part of the FGTS.

Effect of Proposed Changes

The bill also amends s. 260.0142(4), F.S., to define a new term and revise the duties of the FGTC to include:

- Facilitating a statewide system of interconnected lands and waters of the Wildlife Corridor.
- Recommending priorities for “regionally significant trails” within the FGTS for inclusion by the FDOT in the Sun Trail Network, defined to mean “trails that cross multiple counties, attract national and international visitors, serve as an opportunity for economic and ecotourism development; showcase the natural value of the state’s wildlife areas, ecology, and natural resources; and serve as main corridors for critical links and trail connectedness across the state.”
- Adding the FGTC’s recommendations for prioritization of regionally significant trails within the Sun Trail Network to its recommendations for updating and revising the FGTS implementation plan.
- Coordinating and facilitating land acquisition efforts for lands to be used, in whole or in part, for regionally significant trails on the SUN Trail Network with the FDOT, the Florida Forest Service of the Department of Agriculture and Consumer Services, and other appropriate entities.

⁸⁰ See floridawildlifecorridor.org (scroll to bottom), available at [Home - The Florida Wildlife Corridor](#) (last visited December 21, 2022).

⁸¹ *Id.*, under *What We Do*.

⁸² Section 260.0142(1), F.S.

The bill amends s. 260.016(2)(d), F.S., revising the general powers of the FDEP to include development and dissemination of criteria for prioritization of regionally significant trails within or connected to the Florida Wildlife Corridor in its development and dissemination of criteria for designation.

Florida Tourism Industry Marketing Corporation Board of Directors (Section 4)

Present Situation

The Florida Tourism Industry Marketing Corporation is a not-for-profit, direct-support organization of Enterprise Florida, Inc., which is “organized and operated exclusively to request, receive, hold, invest, and administer property and to manage and make expenditures for the operation of the activities, services, functions, and programs of this state which relate to the statewide, national, and international promotion and marketing of tourism.”⁸³ Branded as VISIT FLORIDA, it is “the state’s official source for travel planning, is the premier sales and marketing organization that promotes tourism to Florida through sales, advertising, promotions, public relations and visitor services programs both domestically and internationally.”⁸⁴

VISIT FLORIDA’s Board of Directors “is the organization's private sector governing body made up of Florida tourism industry experts who, along with the members of its committees, provide guidance, input and insight into the evolution of VISIT FLORIDA programs, processes and messaging. The board, which meets three times a year, acts as a steering council for multiple committees and works directly with the VISIT FLORIDA executive staff to guide strategy.”⁸⁵

The board is composed of 31 tourism-industry-related members, appointed by Enterprise Florida, Inc., in conjunction with the FDEO. Of the 31, 15 members must be from specified industries, associations, and organizations. Of the 15, seven members must be from tourist-related statewide associations, including those that represent hotels, campgrounds, county destination marketing organizations, museums, restaurants, retail, and attractions.⁸⁶

Effect of Proposed Changes

The bill amends s. 288.1226(4), F.S, reducing from seven to six the number of representatives from tourist-related statewide associations on VISIT FLORIDA’s board and adding a representative from the nature-based tourism industry. This revision leaves the total board composition at 31 members.

Division of Tourism Marketing (Enterprise Florida) (Section 5)

Present Situation

Current law creates the Division of Tourism Marketing (the Division) within Enterprise Florida, Inc.⁸⁷ Among the Division’s responsibilities and duties is development of a four-year marketing plan that must, at a minimum, discuss the following:

⁸³ Section 288.1226(2), F.S.

⁸⁴ Visitflorida.org, *Who We Are*, available at [Who We Are \(visitflorida.org\)](https://www.visitflorida.org/who-we-are) (last visited December 16, 2022).

⁸⁵ *Id.*

⁸⁶ Section 288.1226(4), F.S.

⁸⁷ Section 288.923, F.S.

- Expansion to new or under-represented tourist markets.
- Maintenance of traditional and loyal tourist markets.
- Coordination of efforts with county destination marketing organizations, other local government marketing groups, privately owned attractions and destinations, and other private sector partners to create a seamless, four-season advertising campaign for the state and its regions.
- Development of innovative techniques or promotions to build repeat visitation by targeted segments of the tourist population.
- Consideration of innovative sources of state funding for tourism marketing.
- Promotion of nature-based tourism and heritage tourism.
- Development of a component to address emergency response to natural and manmade disasters from a marketing standpoint.⁸⁸

Enterprise Florida, Inc., is statutorily directed to contract with VISIT FLORIDA to execute tourism promotion and marketing services, functions, and programs for the state, including, but not limited to, the activities prescribed by the four-year marketing plan.⁸⁹ Among others, VISIT FLORIDA currently hosts a web page, *Florida Trails: Biking, Hiking, and Paddling*, containing an infographic with brief “fast-facts” information on specified trails, geocodes that can be used to locate trailheads, links to additional information and individual trail websites, as well as maps and videos.⁹⁰

Effect of Proposed Changes

The bill amends s. 288.923(4)(c), F.S., specifying additional requirements for the Division’s required marketing plan. The Division’s obligation to promote nature-based tourism is modified to include, without limitation, promotion of the FGTS and the SUN Trail Network. Additionally, the bill requires the Division to coordinate with the OGT and the FDEO to promote and assist local communities, including, but not limited to, communities designated as trail towns, to maximize use of nearby trails as economic assets, including specific promotion of trail-based tourism.

Effective Date (Section 12)

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁸⁸ Section 288.923(4)(c), F.S.

⁸⁹ Section 288.93(3), F.S.

⁹⁰ Visitflorida.com, available at [Trails in Florida: Hiking, Biking, and Paddling \(visitflorida.com\)](https://www.visitflorida.com/trails) (last visited December 16, 2022).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Users of the pedestrian and bicycle trails addressed in the bill are expected to enjoy the health benefits of exercise on the trails, which may translate to an unknown positive fiscal impact, while accessing publicly-funded recreation and conservation lands.

Private sector business, particularly within designated Trail Towns, may experience a positive but unknown fiscal impact associated with potentially increased visitors resulting from promotion of the FGTS and the SUN Trail Network.

C. Government Sector Impact:

The bill increases the recurring statutory funding for the SUN Trail Network from \$25 million to \$50 million and provides a non-recurring appropriation of \$200 million from the General Revenue Fund to plan, design, and construct projects on the network. The FDOT and other state agencies with whom it coordinates are expected to incur expenses, in unknown amounts, associated with the FDOT's required coordination in developing the planning and design of trails.

The FDOT is expected to incur unknown expenses associated with erecting uniform signage on all network trails that are open to public use.

The FDOT and local governments may experience a positive fiscal impact, in an unknown amount, associated with sponsorship agreements for commercial displays on SUN Trail Network trails and related facilities.

The FDOT and the FDEP are expected to incur unknown administrative expenses, every three years beginning June 30, 2026, relating to preparation of the report required by the bill. To the extent that the bill's provisions require the FDOT or the FDEP to revise any agency rule, the agency is expected to incur administrative expenses.

VISIT FLORIDA is expected to incur unknown costs relating to promotion of the FGTS and the SUN Trail Network. VISIT FLORIDA, the FDEP, and the FDEO may incur unknown expenses relating to coordinating efforts to promote and assist local communities to maximize use of nearby trails as economic assets.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 260.014, 260.0142, 260.016, 288.1226, 288.923, 320.072, 335.065, 339.175, and 339.81.

This bill creates two undesignated sections of Florida Law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.