

CHAPTER 18-23 STATE BUFFER PRESERVES

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18-23.002 Scope and Goals.

(1) This chapter applies to all lands managed by the Office of Coastal and Aquatic Managed Areas that are on mainlands above the mean or ordinary high water line adjacent to aquatic preserves, and to natural islands lying within the Aquatic Preserves designated in Chapter 258, Part II, F.S., owned by the State. This chapter does not include spoil islands. The described lands on the mainland and the natural islands subject to this chapter are collectively entitled "Buffer Preserves."

(2) Contact the Office of Coastal and Aquatic Managed Areas, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 235, Tallahassee, FL 32399-3000 (telephone (850) 245-2094) for specific information regarding the geographic locations and boundaries of the Buffer Preserves.

(3) The management goals of the Buffer Preserves are to:

- (a) Conserve and preserve natural values of ecosystems;
- (b) Provide public access and recreation that is compatible with natural and cultural resource conservation;
- (c) Protect and preserve wetlands, natural and water resources of adjacent aquatic preserves, parks and other special management areas administered by either the Department or other state, federal, or local government authorities;
- (d) Protect and preserve native plant and animal species and natural communities, particularly any that are endangered or threatened;
- (e) Restore natural communities and original ecosystem functions, which have been historically degraded;
- (f) Protect cultural resources; and
- (g) Enhance public appreciation for natural and cultural diversity.

Specific Authority 253.86(1) FS. Law Implemented 253.86, Ch. 258, Part II FS. History—New 8-7-94, Amended 5-8-96, 7-1-03.

18-23.007 Activities in Buffer Preserves.

(1) The Buffer Preserves shall be open to the public from sunrise until sunset, except for those that are natural islands, which shall remain open at all times unless otherwise closed pursuant to the authority of the rules of this chapter.

(2) To conserve, preserve and restore the natural and cultural resources and ensure the safety and enjoyment of visitors, the following activities shall be limited or prohibited within the boundaries of the Buffer Preserves. The Buffer Preserve manager shall verbally authorize such activities only in the case of a life-threatening emergency or as part of a natural resource management program designed to promote environmental protection, which is approved by the Department. Any other authorization for any prohibited activity may be sought by submitting a written request to the Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas, 3900 Commonwealth Boulevard, MS 235, Tallahassee, FL 32399-3000. A written request shall, at a minimum, contain the following information: name of requestor, contact person, address, telephone number, location of proposed activity, reason for proposed activity, and the number of people expected to participate in the proposed activity. Such requests shall only be granted if the Department determines that the proposed activity would not damage the natural or cultural resources. Such authorizations shall include any restrictions necessary to protect natural and cultural resources and shall contain provisions for revocation. The number of authorizations issued shall be limited by the Department if necessary to avoid cumulative impacts or address public safety concerns.

(a) Prohibited Activities:

- 1. Consumption of alcoholic beverages. This does not apply to the natural islands of the Buffer Preserves.
- 2. Hunting, harassing, possessing or trapping wildlife.
- 3. Use of animal trapping or concealment devices.
- 4. Use of firearms of any type or other weapons potentially dangerous to wildlife and humans, including shooting into Buffer Preserves from beyond the boundaries.
- 5. Admission of unleashed domestic animals, except those assisting the handicapped.
- 6. Transplantation or removal of any plant or animal, or parts of plants or animals (living or dead), except as provided herein.

7. Removal, disturbance, pollution or destruction of property, or natural or cultural resources.
8. Solicitation or distribution of commercial materials and advertising of any commercial event, other than Department materials or announcements of Department-sponsored or sanctioned events and gatherings.

(b) Limited Activities:

1. Hiking, horseback riding, and bicycle riding shall be restricted to trails or roads specifically designated for those activities.
2. Camping may be conducted only in designated areas.
3. Fires are allowed only in designated areas.
4. Visitors shall be responsible for the proper disposal of all waste-water, refuse and trash by placing it in designated containers, if provided, or removed to an off-site disposal facility or receptacle.
5. Vehicles are allowed only in areas designated as public access roads.
6. Motor vehicle or vessel operation in water bodies, wetlands, or low lying areas located inside the boundaries of the Buffer Preserves is allowed only where designated for such use with signs.

(c) Waiver of Restrictions for Property Management. The prohibition or limitation of activities in this section shall not apply to Department staff or cooperating management agencies, volunteers, or contractors conducting management activities that are approved by the Department, consistent with a management plan approved by the Board of Trustees, and authorized in accordance with Chapter 18-2, F.A.C., if such authorization is required.

(d) Closures. The Department, in furtherance of the policy and intent of Chapter 253, F.S., shall close any Buffer Preserve or section thereof to the public at any time and for any interval of time, when necessary to protect: public health, safety or welfare due to causes such as fire, weather conditions, natural hazards, management activities or environmental conditions; natural resources such as seasonally nesting birds at a specific site; and cultural resources such as Indian middens. Staff of the Department's Office of Coastal and Aquatic Managed Areas shall post the closings.

Specific Authority 253.86(1) FS. Law Implemented 253.86, Ch. 258, Part II FS. History--New 8-7-94, Amended 5-8-96, 7-1-03.

18-23.010 Enforcement.

(1) Violation of the rules of this chapter constitutes a non-criminal infraction and shall be punishable by fines as follows:

(a) A Minor Non-Destructive Violation, which includes violation of the following subparagraph 18-23.007(2)(a)1. or 8., F.A.C., is punishable by a fine of \$50.

(b) A Major Non-Destructive Violation, which includes violation of the following subparagraph 18-23.007(2)(b)4., F.A.C., is punishable by a fine of \$100.

(c) A Resource Damage Violation which includes violation of the following subparagraph 18-23.007(2)(a)3., 5., 6., or 7., or (2)(b)1., 2., 5., or 6., F.A.C., is punishable by a fine of \$250.

(d) A Public Danger Violation, which includes violation of the following subparagraph 18-23.007(2)(a)2. or 4. or (2)(b)3., F.A.C., is punishable by a fine of \$500.

(2) Violators shall be notified of the rule(s) violated and the amount of the fine by issuance of a non-criminal citation by a certified law enforcement officer.

(3) Procedures for resolving non-criminal violations under these rules are as follows:

(a) When a law enforcement officer issues a citation for violation of the rules of this chapter, the citation shall specify which section was violated and the amount of the fine for violation of the specified rule. The citation shall include the person's name, address, and telephone number, and the county in which the violation occurred. The citation shall also specify a date to appear at county court. The officer shall give a copy of the citation to the violator and to the clerk of the county court in the county in which the violation occurred.

(b) Any person cited for violation of any rule in this chapter shall sign the citation and shall accept a copy of the citation. Such signature shall indicate the person's knowledge of both the citation and the date of court appearance, but it shall not constitute admission of the violation.

(c) A person who receives a citation may pay the fine amount specified on the citation to the clerk of the county court for the county in which the violation occurred at any time before the date of court appearance stated on the citation to avoid a court appearance and the imposition of court costs. The fine shall be paid by certified check or money order payable to the Clerk of the [County] Court, stating the citation number, the name of violator, and the court case number, if known. Upon such payment, the Clerk shall close the file.

(d) Any person who has paid the fine prior to court appearance in accordance with this rule shall be deemed to have admitted the violation and to have waived the right to a hearing on the issue of commission of the violation.

(e) If a person who receives a citation does not pay the fine prior to the date of the court appearance, they must appear in court on the date stated on the citation. If the violator fails to appear, the court may impose appropriate sanctions for failure to appear.

(f) The court, after hearing, shall make a determination as to whether a violation of the rule has been committed. If the court finds that a violation was committed, the court shall impose the fine specified by this rule, not to exceed \$500, plus court costs.

(g) The State shall prove the violation by a preponderance of the evidence. If the violator is found guilty of the violation, the violator shall pay the fine plus costs to the clerk of the county court.

Specific Authority 253.86(2) FS. Law Implemented 253.86 FS. History--New 7-1-03, Amended 12-9-04.

18-23.011 User Fees.

(1) Entry to the Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR) (formerly named the Guana River State Park) shall be limited to designated entry points, except in emergencies.

(2) Admission fees shall be charged for entrance to the GTMNERR, the GTMNERR Environmental Education Center and the Rookery Bay National Estuarine Research Reserve Environmental Learning Center in accordance with the provisions of this section.

(3) Standard admission fees and other user fees shall be established on the basis of the following criteria: user demand, location of the property, costs of managing and operating the property and facilities, types of facilities available, season, and natural and historic resource values.

(4) Admission fees shall be waived for:

(a) Children under the age of 6 years;

(b) Representatives of any governmental agency on official business; patients of Florida State Mental Institutions, clients of the Department of Juvenile Justice, the Department of Children and Family Services, and other similar institutions which are fully funded by federal, state, or local government, when the trip is sponsored and supervised by their respective institutions or agencies;

(c) School groups, including vocational schools, colleges and universities, accompanied by one or more teachers, and bearing a letter from the school principal, professor or other appropriate official stating that the visit is related to a specific school curriculum and is for educational purposes rather than a purely recreational outing;

(d) Tradesmen or other individuals who will benefit the Office of Coastal and Aquatic Managed Areas;

(e) Employees of the Office of Coastal and Aquatic Managed Areas and their families; and

(f) Florida citizens possessing a current Social Security disability award certificate or proof of a 100% disability award from the federal government or other governmental agency.

(5) User fees shall become effective at the time of the opening of the facilities described in subsection (2), above.

(6) User fees shall be determined by reference to the CAMA Fee Schedule, effective date 10-26-04, which is incorporated by reference herein. A copy of the CAMA Fee Schedule is available by mail from CAMA, Mail Station 235, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000, (850) 245-2094. In addition, the fee for each facility shall also be posted at its designated entry points.

Specific Authority 253.86(2) FS. Law Implemented 253.86 FS. History—New 10-26-04.