

62S-3.001 Definitions.

The terms used in this chapter are defined as follows:

- (1) "Department" means the Department of Environmental Protection.
- (2) "Facility" means Greenway property consisting of one or more of the following: a building, a structure, trails, pavement, or other similar improvements.
- (3) "FFWCC" means Florida Fish and Wildlife Conservation Commission.
- (4) "Greenway management practices" means specific practices as outlined in the Management Plan.
- (5) "Greenway waters" means any sovereign submerged land or water on state-owned land within the Marjorie Harris Carr Cross Florida Greenway boundary.
- (6) "Holiday" means:
 - (a) New Year's Day.
 - (b) Birthday of Martin Luther King, Jr., the third Monday in January.
 - (c) Memorial Day.
 - (d) Independence Day, the Fourth of July.
 - (e) Labor Day.
 - (f) Columbus Day.
 - (g) Veterans' Day.
 - (h) Thanksgiving Day.
 - (i) Friday after Thanksgiving.
 - (j) Christmas Day.

If any of these above-referenced holidays falls on Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on Sunday, the following Monday shall be observed as a holiday.

- (7) "Lands under the management of the Office" means all real property such as trails, land and water, together with all structures and appurtenances located within the property boundary of lands directly managed by the Office of Greenways and Trails by lease, easement or other cooperative agreement.
- (8) "Management Plan" means the Greenway Management Plan prepared by the University Planning Team of the University of Florida and approved by the Governor and Cabinet on December 15, 1992.
- (9) "Managing entity" means the agency, governmental entity, corporation, organization or other authority that has undertaken and is responsible for the day-to-day operation, protection, maintenance and stewardship of a specified greenway or trail, or network of greenways or trails, or facility, under a management plan or written agreement with owner of the property.
- (10) "Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area" or "Greenway" means the network of greenways and trails created by Section 253.781, F.S., including those portions of the Ocklawaha River Valley and other lands and interests previously acquired by the state or federal government for construction and operation of the Cross Florida Barge Canal, the original corridor of which is specified in the Greenway Management Plan (plan) prepared by the University Planning Team of the University of Florida and approved by the Governor and Cabinet in December, 1992. A copy of this plan is located at the Office of Greenways and Trails, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399.
- (11) "Natural area" means an area of land or water that either retains or has re-established the characteristics of native communities and provides environmental, scientific, recreational or aesthetic benefits.
- (12) "Natural community" means a distinct and recurring assemblage of populations of plants, animals, fungi and microorganisms naturally occurring with each other and their physical environment.
- (13) "Office" means the Office of Greenways and Trails of the Department.
- (14) "Person" means any individual, corporation, partnership, firm, association, joint venture, estate, trust, business trust, syndicate, fiduciary, commission, county, municipality or political subdivision of a state, any interstate body, the federal government or any subdivision thereof and all other groups or combinations, whether public or private.
- (15) "Reasonable notice" means any of the following: newspaper advertisements, radio advertisements, written or oral notice, posters or postings in public areas in the immediate vicinity, or any other means which are reasonable under the circumstances.
- (16) "Special Event" means an occurrence which does not recur, or only recurs at long intervals, such as every year; which does not last longer than 30 days; which may involve the installation and use of temporary structures, such as tents, vendor booths, movie sets, corrals and other such items, on the Greenway; and which is of such a magnitude that extra management measures are required

for such things as crowd control or law enforcement.

(17) "State Trail" means any trail under the direct management of the Office of Greenway and Trails.

(18) "USFWS" means the United States Fish and Wildlife Service.

(19) "Vehicle" means every device, in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks or vessels.

(20) "Vessel" means any type of boat or floating craft regardless of means of propulsion.

Specific Authority 260.016 FS. Law Implemented 253.7821, 260.016 FS. History--New 10-21-01, Amended 11-29-06.

62S-3.002 Operations, Activities and Recreation on the Marjorie Harris Carr Cross Florida Greenway.

The provisions of this rule may be enforced by any local, state or federal law enforcement officer acting within their jurisdiction. Fines will be imposed under Rule 62S-3.003, F.A.C., on persons who fail to comply with these rules. The following shall govern operations, activities and such recreation on the lands under the management of the Office.

(1) Removal or Destruction of Property and Resources. Except as authorized by the Office for the purposes of establishment and maintenance of trails, no person shall destroy, injure, deface, mar, move, dig, harmfully disturb or remove from any lands under the management of the Office, or facilities any archaeological or historical resources, equipment, soil, sand, gravel, rocks, stones, minerals, plants or animals, or other materials. No person shall cut, carve, injure, mutilate, move, displace, or break off any water bottom formation or growth. Nor shall any person possess, break off, or in any way damage any stalactites, stalagmites or other cave formations. No rope, wire, or other contrivance whether permanent or temporary, shall be attached to any natural feature, structure, bridge or property within the boundary of lands under the management of the Office.

(2) Fires. No person shall ignite or attempt to ignite any fire against or on any vegetation or facility, except in designated fireplaces or grills. No person shall dispose of burning matches, smoking materials or other flammable items except in designated receptacles. The Office shall conduct prescription burning for the restoration, maintenance and preservation of certain plant and animal communities in accordance with the management plan of lands under the management of the Office.

(3) Plant Life. The following shall apply to all plant life within the boundary of lands under the management of the Office:

(a) All plant life, terrestrial, aquatic, and aerial, is the property of the State of Florida or other owner of land located under the management of the Office by agreement. No person, except as authorized by the Office for the purposes of establishment and maintenance of trails, shall cut, carve, or damage the bark, or break off limbs or branches or mutilate in any way, or pick the flowers or seeds of any plant or tree; nor shall any person dig in or otherwise disturb grass areas or in any other way impair the natural condition of any area; nor shall any person place debris or materials of any kind on or about any tree or plant.

(b) No person shall transplant or remove any plant life, except as provided herein. The Office shall control invasive exotic plants for the restoration, maintenance, and preservation of native plant communities.

(4) Animal Life. The following shall apply to all animal life within the boundary of lands under the management of the Office:

(a) No person shall take, possess, molest, harm, frighten, kill, trap, hunt, chase, capture, shoot or throw any object at any mammal, bird, reptile, or amphibian, or any other animal except as provided for in subsection (7) below; nor shall any person remove the eggs, nest or young of any such animal; nor shall any person collect, remove, possess, give away, sell or offer to sell, buy or offer to buy, or accept as a gift, any specimen, alive or dead, of the groups of tree snails. The public is prohibited from killing, capturing, or molesting venomous snakes. The Office shall remove venomous snakes from public areas.

(b) No person shall feed or attempt to feed or pet or attempt to pet any wild animal.

(c) No person shall capture, collect, or in any way harm any animal life, except fish commonly referred to as edible or game species or as otherwise provided herein.

(5) Hunting, Firearms and Fishing. The following shall apply to hunting, firearms and fishing within the boundary of lands under the management of the Office. Any person who is present in an area that has been established under Chapter 68A, F.A.C., is subject to all rules established by the FFWCC in addition to the rules established under Chapter 62S-3, F.A.C.

(a) Hunting, trapping, taking or the pursuit of wildlife is prohibited except as authorized by the FFWCC under Chapter 68A, F.A.C.

(b) Hunting on lands under management of the Office is allowed only in areas designated by the FFWCC as hunting areas established under Chapter 68A, F.A.C. All persons who are present in established hunting areas are subject to all rules established by the FFWCC in addition to the rules established under Chapter 62S-3, F.A.C.

(c) Unless in, or enroute to an area under the management of the Office that is designated or established as a hunting area under Chapter 68A, F.A.C., no person shall use, carry, or possess weapons such as firearms of any type, air rifles, spring guns, bows and arrows (except in areas where bows may be legally used for freshwater and saltwater fishing), gigs (except in areas where gigs may be legally used for freshwater and saltwater fishing), sling shots, or any other forms of weapons or trapping devices potentially dangerous to wildlife or human safety except when such weapons or traps are used for resource management purposes as authorized in this paragraph. Except at authorized crossing points established by FFWCC regulation, no weapons, as described in this paragraph, are allowed on any State Trail. Shooting into or across lands under the management of the Office from beyond said lands' boundaries is prohibited. Law enforcement officers are authorized to seize, as evidence, any device that is employed to kill, immobilize, or capture any wildlife or any device otherwise used in violation of this chapter. The Office shall authorize the control

of nuisance animals and removal of exotic animals from lands under the management of the Office by trapping and other necessary means if required for resource management purposes or health or human safety.

(d) Migratory waterfowl hunting is allowed within the boundary of lands under management of the Office on all sovereign submerged lands, Rodman Reservoir and Lake Rousseau. All waterfowl hunting is subject to all laws of the USFWS and the FFWCC.

(e) Fishing is allowed in waters within the boundary of lands under management of the Office unless otherwise posted as “No Fishing”, in accordance with all federal and state laws. Law enforcement officers are authorized to seize any device that is employed to remove, capture, or attempt to remove or capture fish in any waters closed to fishing or any device otherwise used in violation of this rule.

(f) Commercial fishing for food and baitfish is allowed in any waters within the boundary of lands under the management of the Office. All persons participating in this activity shall be subject to all federal and state fishing laws.

(6) Introduction of Species. No person shall introduce into any lands under the management of the Office any plant or animal species by willful abandonment, negligence or for any other reason without authorization of the Office. Authorization shall be granted if such activity is for scientific or educational purposes, and the Office determines that it provides some benefit to the Office for management purposes (such as provision of a copy of the scientific report generated to the Office); that it is not harmful to resources on lands under the management of the Office; and that the activity is in keeping with protection, restoration, and maintenance of natural resources. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(7) Collection of Specimens. Authorization must be obtained for the collection of natural objects, including plant and animal life and minerals. Authorization shall be granted if such collection is for scientific or educational purposes and the Office determines that it provides some benefit to the Office for management purposes (such as provision of a copy of the scientific report generated to the Office); and that the activity is not harmful to resources on lands under the management of the Office. Collection shall be conducted in compliance with the written authorization. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(8) Construction Activity. No person shall commence or conduct any construction activities upon any land or water areas within the boundary of lands under the management of the Office, without first obtaining written authorization from the Office. Authorization shall be granted only in cases where the construction activity is in keeping with protection, restoration, and maintenance of natural resources. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(9) Public Utilities. Public utilities serving property under the management of the Office or traversing property under the management of the Office shall be designed, constructed and maintained as follows:

- (a) Rights-of-way shall be as narrow as utility regulations permit, and shall be kept free of invasive non-native plant species;
- (b) Maintenance (trimming or removal) of vegetation shall occur no more often than minimally required for safe utilities transmission;
- (c) Small trees, shrubs and other vegetation shall be left undisturbed except that a minimal service road may be mowed, within the right-of-way;
- (d) Trees that will interfere with power lines shall be cut or trimmed only as authorized by the Office;
- (e) Large volunteer trees that are threatening buried gas lines shall be cut only as authorized by the Office;
- (f) Easements crossing fire adapted plant communities shall be burned the same as the adjacent community;
- (g) The utility company maintenance foreman shall consult with the Office prior to undertaking routine maintenance to insure that only minimum trimming is accomplished; and
- (h) Only herbicides approved by the Office shall be used. The application of herbicides shall be confined to the utility easement and shall not adversely affect adjacent resources. Approved herbicides shall be listed and the list may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(10) Designated Public Areas. The Office, in accordance with Chapters 253 and 260, F.S., shall prohibit or regulate any activity that lessens the health, safety, or recreational experience of the visiting public, lessens the natural or cultural value of lands under the management of the Office or damages lands under the management of the Office or any facility thereof. Except as provided herein, all recreational activities will occur at locations designated for such activities by the Office. When utilizing recreational trails, users shall stay on the trails designated for that purpose.

(11) Designated Access Points. If an access point has been established for a facility on lands under the management of the Office, entering or leaving the property except through the designated access points (except in emergency cases) is prohibited. No person can enter lands under the management of the Office for the purpose of using the facilities therein without paying the appropriate fee, if any is in effect at the time.

(12) User Fees. User fees shall be established as follows:

(a) User fees for primitive camping at campground facilities on lands under the management of the Office shall be \$12 per night. User fees for recreational vehicle camping at campground facilities on lands under the management of the Office shall be \$22 per night. A 50% discount will be allowed for Florida senior citizens and Florida citizens with proof of 100% disability.

(b) User fees for the use of boat ramp facilities on lands under the management of the Office shall be \$5.

(c) User fees shall be waived by the Office or the site manager or designee as follows:

1. Representatives of any government agency or other individuals who are conducting official government business on lands under the management of the Office and who present proper identification.

2. Children under six years of age.

3. Patients of Florida State Mental Institutions and clients of the Department of Juvenile Justice and the Department of Children and Family Services, and other similar institutions. Such patients or clients shall be part of an organized group or program sponsored and under the immediate supervision of their respective institutions or parent agencies at all times while on lands under the management of the Office.

4. Florida school groups, including vocational schools, colleges and universities, accompanied by one or more teachers or chaperones at all times while on lands under the management of the Office, and bearing a letter from the school principal, professor or other appropriate official, certifying that the visit is related to a specific school curriculum and is for educational purposes rather than a purely recreational outing.

5. Organized volunteer groups who will provide a benefit to the lands under the management of the Office, such as litter collection, tree planting, trail blazing, and trail maintenance. All volunteer activities shall be pre-arranged and authorized by the Office, site manager or designee. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(13) Traffic Control and Parking. Traffic and parking on lands under the management of the Office shall be controlled as follows:

(a) Authorized law enforcement officers and Office staff shall direct traffic on lands under the management of the Office, at entrances thereto and on adjacent roadways as conditions warrant. All persons shall comply with lawful orders, signals, and direction of such officers and staff. All persons shall observe and comply with posted traffic control devices and signs.

(b) In parking areas or entrance roads, no person shall drive a vehicle or travel by other means, such as bicycle, skateboard, electric-bike, in-line skates, or roller skates at a speed greater than is reasonable or prudent, having due regard for weather conditions, the surface, width and condition of paving and the traffic thereon. When near children or recreational users, vehicles shall not exceed 15 miles per hour. When in congested centers and near facilities, vehicles shall not exceed 25 miles per hour unless otherwise posted.

(c) No person, except for Office personnel, law enforcement officers or emergency response personnel, shall drive any vehicle in any area except designated roads and parking areas. In the event motorized trails or motorized use areas are established, vehicles must stay on trails or in designated areas. Exceptions will be made for those persons who are physically impaired and have the proper permits.

(d) All vehicles shall be parked only in established parking areas or in such other areas and at such times as the Office may designate by signs, maps or other reasonable notice.

(14) Swimming and Bathing. No person shall swim, bathe, wade or dive in any waters at such places designated as prohibited for such activity by the Office by signs, maps or other reasonable notice.

(15) Proper Attire. No person shall expose the genitals, pubic area, the buttocks cleavage, or female breasts below the top of the nipple, with less than a fully opaque covering.

(16) Camping. Camping is prohibited on lands under the management of the Office except in designated camping areas and sites authorized by the Office and shown by signs, maps or other reasonable notice. No tents or three sided structures shall be placed in any area except in designated camping areas.

(17) Boating and Vessels. Boating and operation of vessels in waters within the boundary of lands under the management of the

Office shall be conducted as follows:

(a) No person, except for Office personnel, law enforcement officers or emergency response personnel, shall operate vessels upon any waters within the boundary of lands under the management of the Office in places designated by the Office as closed for such purposes by signs, maps, or other reasonable notice.

(b) No person shall launch or remove any vessel by trailer, in any waters within the boundary of lands under the management of the Office, except at places designated for such purpose by the Office by signs, maps or other reasonable notice.

(c) No person operating passenger vessels or excursion boats from outside the boundary of lands under the management of the Office that are for rent or hire or carrying passengers for money shall land or anchor or tie up at any facility within the boundary of lands under the management of the Office without first having applied for and received written authorization from the Office. Authorization shall be issued when it is determined by the Office that the request to provide this service would not adversely affect Office-managed resources and would provide a needed visitor service. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. All persons operating such vessels shall be subject to all federal and state boating rules and regulations.

(18) Alcoholic Beverages. Possession of alcoholic beverages within the boundary of lands under the management of the Office is prohibited except by written authorization. Authorization shall be issued only when special events occur and the licensed concessionaire makes reasonable provisions to ensure that minors are not served and are not able to acquire alcohol, such as an over-21 area with no liquor to be taken outside such areas. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Authorization under this rule is not necessary for riparian upland owners on Lake Rousseau and their invitees when they are performing or engaging in normal riparian rights activities, such as fishing, swimming or boating, or when they are engaged in navigation, including anchoring or trolling. However, when such riparian upland owners or invitees are landing at a public boat ramp or other public area within the Greenway, other than in an emergency, possession of alcoholic beverages shall be prohibited.

(19) Domestic Animals. Domestic animals shall be controlled as follows:

(a) Domestic animals shall be regulated on lands under the management of the Office at any time as required for public safety, to enhance the recreational experience of other visitors, or to protect the resources.

(b) Domestic breeds of dogs, cats and horses, except for those that are trained and registered for assisting the physically challenged, shall be excluded from the following areas: food-service and preparation areas, bathing and swimming areas including land and water portions, buildings, playgrounds, and other areas designated by the Office on maps, signs or by other reasonable notice. Dogs, cats and horses are permitted in all other areas subject to the following restrictions.

1. All dogs, cats and horses must be confined, leashed, tied, or otherwise under the physical control of a person at all times. Leashes for dogs may not exceed six feet in length. Hunting dogs being used for hunting within designated hunting areas as established and allowed by the FFWCC under Chapter 68A, F.A.C., are not required to be leashed after their release to begin hunting. However, hunting dogs being transported or not actively hunting must be confined, leashed, tied, or otherwise under the physical control of a person at all times, as stated above.

2. Dogs, cats and horses must be well behaved at all times. Dogs and cats must be confined in the owner's camping unit and be quiet during quiet hours designated by the Office on maps, signs or by other reasonable notice. During non-quiet hours, designated by the Office on maps, signs or by other reasonable notice, unconfined dogs and cats may not be left unattended for more than 30 minutes and must be tied securely or on a leash not exceeding six feet in length.

3. Within campgrounds or on public roads or trails, owners of dogs and cats shall pick up after their animals and properly dispose of all droppings in trash receptacles. Failure to do so shall result in the owner's expulsion from the campgrounds, public roads or trails and revocation of all further privileges.

4. Owners shall be responsible for mucking out the stalls when horses are kept in horse stalls or corrals on lands under the management of the Office.

5. Dogs, cats and horses that are noisy, vicious, dangerous, disturbing, or act in a threatening manner to other persons or animals, or that damage Office-managed resources are considered to be nuisances and will not be permitted to remain on the lands under the management of the Office.

6. Horses are required by Florida law to have proof of negative Coggins test every year. Owners of horses utilizing facilities on lands under the management of the Office must provide proof of current negative Coggins test.

7. Camping areas and other areas within the boundary of lands under the management of the Office will be evaluated, as to the

suitability of pets, on a periodic basis as part of the unit management planning process. Areas of lands under the management of the Office designated as prohibited for pets shall be determined based on the natural and cultural resources, primary recreational activities, camper and pet health and safety, geographical location and layout of camping areas, and the ability to provide a quality recreational experience for all visitors. Prohibited areas will be shown on signs, maps or by other reasonable notice.

(20) Merchandising and Food. No person shall offer for sale any article, food or material, nor place any stand, cart, or vehicle for the transportation, sale or display of any article, food or material for sale within the boundary of lands under the management of the Office unless authorized by the Office. Authorization shall be issued when resources are not adversely affected, existing contractual relationships are not impaired, a needed visitor service is provided. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Florida law and local ordinances may require vendors to obtain licenses prior to selling food or other merchandise. Authorization from the Office for sale of food or other merchandise on lands managed by the Office does not replace or supersede any such requirements.

(21) Hours. Hours for facilities on lands under the management of the Office shall be as follows:

(a) The opening and closing hours for each facility shall be sunrise to sunset. Facilities may be closed on Holidays listed in subsection 62S-3.001(6), F.A.C., of this rule. No person shall remain at any facility after closing unless properly registered as an overnight visitor or in possession of valid authorization from the Office. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(b) The Department may close any facility or portion of said facility to the public at any time and for any interval of time, either temporarily or at regular stated intervals, and either entirely or only for certain uses. Closed areas will be posted by the Office on maps, signs, or by other reasonable notice. Closures will be used to assure visitor and employee safety, resource protection, operational efficiency, and facility maintenance. No person shall remain in any closed area unless authorized by the Office. Authorization shall be granted by the Office, when it is necessary for safety, protection, construction, or restoration purposes. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(22) Commercial Photography. All commercial photography, motion pictures, and other media production activities are prohibited without authorization from the Office. All private photography involving special settings or structures (such as construction of sets or use of exotic animals), which could adversely impact resources or public recreational activities, is prohibited without authorization by the Office. Authorization for these activities shall be issued if the activity is consistent with this rule and the activity would not disrupt normal operations, adversely impact resources, or disrupt the public's normal enjoyment of lands under the management of the Office. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. All other private photography is encouraged so long as it is consistent with this rule.

(23) Free Speech Activities. Free speech activities are allowed and encouraged on lands under the management of the Office. Such activities include public speaking, performances, distribution of printed material, protests, marches, displays, and signs. Such activities do not include obscene or commercial materials or activities. Any person planning a free speech activity, which meets the definition of "special event" under Rule 62S-3.001, F.A.C., is encouraged to contact the Office or the site manager to discuss plans for such an event. There is no requirement for a permit. Restrictions shall only be placed on free speech activities if the Office or the site manager determines that any of the following exists: staff, including law enforcement, is not immediately available to protect public safety during the planned event, and such staff or law enforcement are required for public safety given the size or manner of the event; the activity planned would cause significant or unreasonable damage to the resource; the activity would unreasonably interfere with the normal use or flow of the management of the land under the management of the Office; free speech participants or other recreational users on lands under the management of the Office would likely be injured or endangered by the planned event; or another group activity has already been approved for the area and the time of the planned free speech activity. Free speech activities shall only be performed in accordance with all other rules of this chapter.

Specific Authority 260.016 FS. Law Implemented 253.05, 253.7821, 260.016 FS. History—New 10-21-01, Amended 11-29-06.

62S-3.003 Determination and Applicability of Fines.

The following shall govern how fines are determined and applied on lands under the management of the Office when persons violate any of the rules in this chapter.

(1) Violations. It shall be a violation of this rule for any person or the agent of any person to refuse to comply with any provisions of Rule 62S-3.002, F.A.C., violate any provision of said rule, or damage any property, facilities or resources on lands under the management of the Office. Fines shall be imposed for such violations.

(2) Determination of fines. A person or agent of a person who damages property, facilities, or resources on lands under the management of the Office in violation of state law or this chapter, or refuses to comply with or violates the provisions of this chapter shall incur a civil fine of up to \$500 per offense. Any person charged with a violation of the rules of this chapter may pay the fine, either by mail or in person, within 30 days after the date of receiving the citation, to the Clerk of the County Court in and for the county in which the citation was issued. If the person cited, follows these procedures, she or he shall be deemed to have admitted the violation and to have waived her or his right to a hearing on the issue of commission of the violation. Any person electing to appear before the County Court or who is required so to appear shall be deemed to have waived the limitations on the civil penalty specified in subsection (3). The court, after a hearing, shall make a determination as to whether a violation has been committed. If the commission of a violation has been proven, the court may impose a civil penalty not to exceed \$500.

(3) Fines. Fine ranges shall be \$100-\$500. Fines imposed pursuant to this rule shall be divided into the following categories:

(a) A Public Danger Violation which includes violation of the following rules: subsection 62S-3.002(2) or (5)(a), (b), or (c), F.A.C., is punishable by a fine of \$500.

(b) A Resource Damage Violation which includes violation of the following rules: subsection 62S-3.002(1), (3), (4), (5)(e) or (f), (6), (7), (8), (9), (13)(c), (18) or (19), F.A.C., is punishable by a fine of \$250.

(c) A Non-Destructive Violation, which includes violation of the following rules: subsection 62S-3.002(10), (11), (12), (13)(a), (b) or (d), (14), (15), (16), (17), (20), (21), (22) or (23), F.A.C., is punishable by a fine of \$100.

(4) Applicability of fines on the lands under the management of the Office. For purposes of imposing a fine pursuant to this rule chapter, an activity conducted on lands under the management of the Office shall not be considered a violation of Chapters 253 and 260, F.S., or this rule chapter, when the activity is authorized by and conducted according to a management plan, easement, consent of use, lease or other authorization approved by the Office or by an authorized agent of the Office who has been expressly delegated the authority to approve such management plan, easement, consent of use, lease or other authorization.

(5) 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. Refusal to sign the citation shall require a mandatory appearance before the court and payment of the maximum fine of \$500. Failure to pay the fine or failure to appear before the court at the time and place indicated by the citation shall require a mandatory appearance before the court and payment of the maximum fine of \$500.

Specific Authority 260.016 FS. Law Implemented 253.7821, 260.016 FS. History--New 10-21-01, Amended 7-30-03, 11-29-06.