

**UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED REGULATION - NEW**

REGULATION TITLE: UWF/REG-5.060 UWF Beach Reservation

SUMMARY: University Policy ES-04.05-02/14 *Santa Rosa Island Property Use Policy* previously addressed use of the University's beach property. The new regulation, UWF REG 5.060 *UWF Beach Reservation*, converts the policy into a regulation, states the purpose of the beach property, designates the beach property as a living research ecosystem and classroom, and prohibits certain types of activities in order to protect the natural habitat, wildlife and landscape.

AUTHORITY: Florida Board of Governors' Regulation 1.001

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT:

Dr. Melinda Bowers
Associate Vice President
Administration, Facilities and Operations

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Pamela E. Langham, Esquire, General Counsel, plangham@uwf.edu, (850) 474-3420; FAX (850) 857-6058; Bld. 10/Rm 114; 11000 University Parkway; Pensacola, FL 32514-5750. Any comments regarding the proposed regulation amendment must be sent in writing to the contact person on or before September 11, 2018 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES WEBSITE:
May 10, 2018; reposted with changes May 29, 2018; re-posted with no changes July 13, 2018; reposted August 24, 2018 with no changes.

THE DATE THIS NOTICE WAS PUBLISHED IN "@UWF":
August 30, 2018

THE FULL TEXT OF THE PROPOSED AMENDMENT TO THIS REGULATION IS SET FORTH BELOW:



Regulations

UNIVERSITY OF WEST FLORIDA

REGULATION 5.060

Title: UWF Beach Reservation

- I. Purpose:** To conserve and preserve the UWF Beach Reservation (“Reservation”) owned by the University of West Florida Board of Trustees for educational, research, conservation and preservation.

As an educational and research institution, UWF recognizes the importance of saving the Reservation’s natural environment and rich ecosystem while ensuring the University community continues to benefit from educational and research opportunities associated with the Reservation, a living research ecosystem and classroom. UWF seeks to create a conservation-friendly environment and collaborate with researchers to protect the natural resources. It is essential to prohibit certain types of activities in order to protect the natural habitat and wildlife populations from further decline. Through this regulation, UWF intends to preserve, protect, and conserve the natural flora, fauna and landscape of the Reservation.

- II. Reservation:** An area of land, adjacent, parallel and running approximately .9 mile (9/10th's) on Florida State Road No. S-399 on Santa Rosa Island in Escambia County is owned by the University of West Florida Board of Trustees (“University”). It is located just east of the last residential area on Pensacola Beach to just west of the Gulf Islands National Seashore Navarre day-use area. The Legal Description is as follows:

Tract 07-108

All that portion of Santa Rosa Island, Escambia County, Florida lying between parallel lines, the west boundary line of said parcel being described as that portion of the seven-mile lot line at Station 255 + 44.78 as shown on the State of Florida right-of-way map for Section No. 48530-2601, Road No. S-399 on file in Map Book 1 at Page 210 of the records of Escambia County, Florida, lying between the shoreline of the Gulf of Mexico and the southerly shoreline of Big Sabine, and the east boundary line of said parcel being a line 4,585 feet, as measured along the center line or the aforementioned Florida State Road No. S-399, east of and parallel to the aforesaid seven-mile lot line, lying between the shoreline of the Gulf of Mexico and the shoreline of Santa Rosa

Sound. Excepting therefrom the road right-of-way of State Road No. 399 and Big Sabine Point.

Containing 152.00 acres of land, more or less, above the water line.

Being a portion of the same property acquired by the United States of America from Escambia County, Florida, by deed dated January 11, 1973, recorded in Book 684 at Page 560, in the land records of Escambia County, Florida.

III. Rules

A. Prohibited Activities. The following activities are strictly prohibited:

1. Walking on sand dunes or around the sand dunes, unless on a designated trail for Gulf beach access.
2. Vehicular driving on the beach or on, over or across sand dunes in violation of Florida Statutes § 161.58, including, but not limited to ATVs and bikes.
3. Damaging sand dunes or the vegetation growing on the sand dunes.
4. Walking or driving on or through sea oats or sea oat growth, or cutting, removing or eradicating sea oats in violation of Florida Statute § 161.242.
5. Disturbing any marine turtle species or hatchling(s), or the eggs or nest, or nesting sites of such turtles in violation of Florida Statute § 379.2431 and the Federal Endangered Species Act of 1973.
6. Illegal use of nets in violation of Florida Statute § 379.2422.
7. Catching or disturbing wildlife, marine life, bird nests, aquatic life or beach mice in violation of Chapter 379, Florida Statutes or the Federal Endangered Species Act of 1973 and 16 U.S.C. §§ 703 and 68A, including, but not limited to collecting, damaging or removing vegetation (living or dead) or other natural substrate from the Reservation unless part of a University research project or conservation project.
8. Making fires.
9. Any and all Commercial Activity.
10. Hunting.
11. Littering in violation of the Florida Litter Law, Florida Statute § 403.413.
12. Camping.
13. Use of firearms, weapons or fireworks as defined in Florida Statute §§ 790.001 & 791.01.
14. Disturbing or interfering with research projects, sites, or equipment or any UWF sponsored research projects or sites.
15. Tampering with, destroying, or vandalizing any UWF real or personal property including equipment.
16. Use of the Reservation between sunset and sunrise.

17. Any other activity that would be detrimental to the preservation of the Reservation property or wildlife in violation of Chapter 161, Florida Statutes or expose the University to liability.
18. Any and all illegal activity.

B. Prohibited Items

1. Glass containers.
2. Illegal controlled substances as defined in Florida Statute § 893.02.
3. Fireworks, explosives.
4. Firearms as that term is defined in Florida Statute § 790.001.
5. Flammable petroleum products.

C. Use by University Students, Staff, Faculty and Public

1. Any use of the Reservation in violation of this Regulation shall be deemed to constitute a trespass under UWF Regulation 5.020.
2. No facilities and accommodations for which fees or charges are required to be paid shall be open to the public generally in competition with similar or comparable facilities available elsewhere on that portion of Santa Rosa Island owned by Escambia County, and operated by it or Santa Rosa Island Authority, or lessees from either of them.
3. The Reservation is open from sunrise to sunset each day. The Reservation is closed before sunrise and after sunset each day.
4. Parking is permitted on the bay side (Sabine Bay) of the road between the road and sidewalk only, but not permitted north of the sidewalk.
5. Gulf beach access is restricted to the existing trails between the dunes. There is no access to Sabine Bay from Florida State Road No. S-399.
6. Reservations for use on the Gulf beach are not taken. Space is available on a first-come first-served basis.
7. Users of the Reservation are required to clean-up after use of the property.
8. No lifeguard is provided for the area by UWF. Swim at your own risk. However, events approved under III.C.9. will be required to provide a certified lifeguard thirty minutes immediately before and after an event if swimming will be permitted at the event. A certified lifeguard for purposes of this Regulation must be certified as set forth in Florida Statute § 514.071.
9. UWF student organizations, staff or faculty wishing to use the Reservation to host an event are required to seek permission and register their event with the University Commons and Event Services and the Office of Student Involvement. UWF reserves the right to deny any requests and if the request is granted, the University will issue a

written permit. Any permit issued by the University must be produced on request by law enforcement.

10. Notwithstanding the provisions in numerical paragraph III.C.9., nothing herein shall be construed to limit educational/research activities led by UWF faculty or researcher staff. UWF faculty or research staff are not required to seek prior permission to conduct educational or research activities at the Reservation and not required to obtain a permit before use for these purposes.

IV. Violations

- A. UWF Students, Staff, Faculty, Organizations. Any violation of this regulation by a UWF student, staff, faculty or organization may be subject to discipline.
- B. Public. Any violation of this regulation by a member of the public will, at a minimum, be deemed to constitute a trespass, but also may be a violation of the law. The University reserves its right to seek the assistance of law enforcement and request prosecution of individuals or groups that violate this regulation.
- C. Nothing herein shall be deemed to restrict visitors to the Florida Trail.

Specific Authority: Board of Governor's Regulation 1.001

History: New regulation 09/18.