

## **PART V PUBLIC ACCESS AND USE**

### **40E-7.511 Policy and Purpose.**

(1) The purpose of the rule in this part is to further implement the legislative intent expressed in Sections 259.101, 373.016(2)(h), 373.1391, 373.1395, and 373.59(11), F.S., and Chapter 140, Article IV, South Florida Water Management District Policies and Procedures Code, and therefore, to establish regulations governing public access to certain District lands and use of said lands for nature based recreation and allied purposes. It is the intent of these regulations to protect the water resources, native plant communities, fish and wildlife populations, and related natural features of these lands together with any historic and cultural improvements thereon.

(2) Nothing contained in these regulations shall be construed as an assurance by the District that said District lands are safe for any purpose, that the District has a duty of care toward any person entering said lands or that the District is responsible for any injuries or damage to persons or property caused by an act or omission of any person who enters said District lands, including invitees, licensees, contractors, trespassers or other persons.

*Specific Authority 279.101, 373.044, 373.113, 373.171 FS. Law Implemented 259.101, 373.016, 373.056, 373.103, 373.1391, 373.1395, 373.59 FS. History—New 5-24-94, Amended 1-5-03, 7-12-06.*

### **40E-7.520 Scope and Applicability.**

(1) The general regulations contained herein are broad in scope and applicable to all District lands.

(2) The regulations are applicable to all persons entering upon, using, or visiting said District lands.

(3) A copy of the regulations contained herein may be posted at entry points, activity areas, and recreation sites equipped with bulletin boards or otherwise made reasonably available to the public.

(4) Consistent with the environmental sensitivity of these areas and the purposes for which the lands were acquired, and all rights, privileges, and protections afforded by the provisions of Section 373.1395, F.S., all District lands are hereby deemed open and available to the public for outdoor recreational purposes and access unless otherwise limited, restricted, or prohibited by special provision in this rule. Nothing in this rule shall prevent other federal, state, or local agencies, including but not limited to those with management contracts with the District, from requiring compliance with their own rules, permits, regulations, ordinances, or laws to the fullest extent of their lawful authority.

(5) Any signage, prohibiting access to or, use of District lands shall only apply to the property or area set forth in or delineated by such signage and a presumption shall exist that all other portions of the Management Areas, Stormwater Treatment Areas, and Impoundment Areas where public access or use is not specifically prohibited are open and available for outdoor recreational purposes unless otherwise limited, restricted or prohibited by the Governing Board. This provision shall not be construed to impede enforcement of trespass statutes including but not limited to Chapter 810, F.S.

(6) Chapter 40E-7, Part V, F.A.C., is supplemental to the laws, statutes, ordinances, and rules of other governmental entities where cooperative agreements for management of certain public uses of district lands have been approved by the Governing Board.

(7) The following District lands are exempt from the provisions of Chapter 40E-7, Part V, F.A.C:

- (a) District office buildings, service centers, field stations, water control structures and other facilities.
- (b) District lands that are under a land management lease or agreement with city, county, state, federal agencies, or private entities, including without limitations Water Conservation Areas 1, 2 and 3.
- (c) District lands that are commercially leased lands will not be governed by these rules unless the lease specifically permits public access.
- (d) District lands on Tribal Reservations.

(e) Lands in which the District has a less than fee interest where the underlying fee owner has restricted or prohibited public access.

*Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.056, 373.1391, 373.1395, 373.1401, 373.59 FS. History--New 5-24-94, Amended 11-12-95, 1-7-97, 11-13-97, 1-1-99, 1-5-03, 7-12-06.*

**40E-7.521 Definitions.**

When used in this part:

- (1) "Activity area" means a zone within a management area designated for specific recreational activities.
- (2) "Access point" means a designated location or boundary for public access to a District land.
- (3) "Allied purposes" means other related outdoor activities including, but not limited to, frogging, photography, painting, environmental education, and nature study.
- (4) "Camping" means to use a vehicle, tent or shelter, or to arrange bedding or both with the intent to stay overnight.
- (5) "Designated road" means any road, path, lane, or trail officially designated by name or number for public vehicular travel.
- (6) "District land" means any real property in which the District has an interest and is limited to Management Areas, Stormwater Treatment Areas, Impoundment Areas, Right of Way, and vacant undesignated lands.
- (7) "Event Authorization" means a permission to access and use District lands in a manner not otherwise provided for or authorized in this part.
- (8) "Executive Director" means the person who is in the position of Executive Director for the South Florida Water Management District.
- (9) "Facility" or "Structure" means any object placed on District lands which is intended to be permanently attached to the land for which would be considered a fixture under Florida law.
- (10) "Firearm" means a shotgun, rifle, pistol, revolver or muzzleloader designed to expel a projectile by the action of an explosive and any air gun, gas gun, blow gun, crossbow, spear, or any other device mechanically propelling an arrow, spear, or other projectile or any starter gun or blank firing device.
- (11) "Group campsite" means a designated campsite for campers whose total is eight (8) or more people.
- (12) "Horse cart" means a non-motorized two (2) wheeled vehicle pulled by a single saddle animal.
- (13) "Hunting device" means any mechanical device used to take or attempt to take wildlife or feral hogs.
- (14) "Idle Speed" means the minimum speed at which a motorized vessel is able to move and maintain adequate steering control.
- (15) "Impoundment Area" means District lands designated by the Governing Board as an Impoundment Area.
- (16) "Leased" means the granting of either an exclusive or non-exclusive use of or interest in District lands for a specified period of time.
- (17) "Outdoor recreational purposes" means natural resource based outdoor recreational activities including, but not limited to, fishing, hunting, horseback riding, bicycling, swimming, camping, hiking, canoeing, boating, airboating, scuba diving, birding, sailing, jogging, picnicking, nature study, water skiing, and visiting historical, archaeological, scenic or scientific sites.

(18) “Management Area” means any Save Our Rivers land, other District land, or combination thereof, designated by the Governing Board as a Management Area. Such lands are managed as single and distinct units for the purpose of restoring, preserving, and protecting the water and related environmental resources of said area, including regulating the public uses thereon.

(19) “Management Unit” means a portion of any Save Our Rivers land or other District land within a management area that requires a specific public use regulation due to legal, cultural or environmental factors uniquely affecting the specific unit of land, but which is not applicable to the entire management area.

(20) “Natural Resources” mean water, soils, flora, and fauna.

(21) “Personal watercraft” means a vessel less than 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of motorized power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(22) “Primitive Camping” means no amenities are provided.

(23) “Recreation site” means an improved or unimproved site established to facilitate public use of a designated Management Area, Stormwater Treatment Area, Impoundment Area, Right of Way or vacant undesignated land.

(24) “Recreational trail” means saddle animal riding, hiking, canoeing, bicycling, or jogging trails for use by the public.

(25) “Right of Way” means the Right of Way acquired for the construction, operation, and maintenance of the canals and levees adopted as Works of the District pursuant to Section 373.086, F.S. These Right of Way include the canals, levees, maintenance berms and spoil mounds located thereon.

(26) “Saddle animal” means any animal used to transport a person or property.

(27) “Service animal” means an animal such as a guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability.

(28) “Special Use License” means a type of license granted by the District to allow access to and use of certain District lands and facilities as set forth in this Part.

(29) “Stormwater Treatment Area” means District lands designated by the Governing Board as a Stormwater Treatment Area.

(30) “Vacant undesignated land” means any land owned by the District that is not designated as a Management Area, Stormwater Treatment Area, Impoundment Area, or Right of Way which land is greater than ten (10) acres and has legal and practical public access.

(31) “Vessel” is synonymous with a boat as referenced in s. 1(b), Art. VII of the Florida State Constitution and includes every description of watercraft, barge, and air boat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

*Specific Authority 373.019, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.1391, 373.59 FS. History–New 5-24-94, Amended 11-13-97, 1-1-99, 1-5-03, 7-12-06.*

**40E-7.523 Access to District Lands; Closures.**

(1) When designated access points are indicated, entry onto and exiting from Management Areas, Stormwater Treatment Areas, and Impoundment Areas by the general public is only authorized at those designated access points.

(2) Entry onto and exiting from Right of Way may be at any legal public access point.

(3) District lands or areas within District lands shall be closed to public use under the following conditions:

(a) When necessary during emergency conditions such as floods, severe weather events, or wildfire for public safety and the protection of natural resources. Such closures shall require the approval of the Executive Director and concurrence of the Governing Board. In no event shall such closures exceed forty-five (45) days duration absent reconsideration and approval by the Governing Board.

(b) When necessary, in the judgment of the Executive Director or the Governing Board, based upon available information at the time, on a temporary, seasonal or permanent basis to protect natural, historic or archaeological resources. Such closures, to the extent they exceed forty-five (45) days, shall require approval by the Governing Board.

(c) During certain days, hours or periods of time, when such closure is necessary to implement land management practices

such as prescribed burning, vegetation spraying, construction, operations, maintenance, research studies, data collection, resource protection, or as a condition of a contract or permit.

(d) Upon the designation by the Governing Board pursuant to Section 373.6055, F.S., that certain District lands or facilities are “critical infrastructure”, as designated by the Regional Domestic Security Task Force pursuant to applicable law, whereupon such lands or facilities shall be immediately deemed closed for public use without further action required by the Governing Board.

(e) Specific uses permitted on District lands may be restricted to certain areas within those lands.

(4) Regulated closures under Rule 40E-7.523(3), F.A.C., temporary, seasonal, or permanent closures of District lands or areas within District lands will be posted at authorized points of entry or at an established boundary within said areas.

(5) The use or occupancy of existing buildings, structures, and related improvements is prohibited unless designated as a public use facility.

(6) Entry into and exiting from Management Areas and Right of Way from vessels is allowed when these lands are open for public access.

*Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.119, 373.1391, 373.59 FS. History--New 5-24-94, Amended 1-1-99, 1-1-01, 7-12-06.*

**40E-7.525 Use of Vehicles, Vessels, and Aircraft; Navigational Restrictions.**

(1) The operation of licensed and unlicensed vehicles on District lands is prohibited with the following exception: District lands are open to licensed vehicles on designated named and numbered roads only unless otherwise authorized.

(2) Any person who drives a vehicle on District lands shall drive in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and all other attendant circumstances, so as not to endanger the life, limb or property of any person.

(3) Motorized vehicle operators shall comply with posted speed limits on District lands and roads. If no speed limit is posted, the speed limit is 20 mph. Speed limits are not applicable to airboats, except when the latter are operated on roads on District lands.

(4) Parking or operating a motor vehicle, or trailer, in an unauthorized location or in a manner blocking roads, levees, maintenance berms, gates, or water control structures is prohibited except where the District has affirmatively opened a roadway or a parking area for such use.

(5) Servicing or maintaining vehicles and equipment is prohibited except when in conjunction with authorized recreational activities and allied purposes.

(6) The operation of unlicensed swamp buggies, tracked vehicles, off-road or off highway all terrain vehicles, motorcycles, off-road motorcycles or motocross motorcycles, or any other type of motorized vehicle on District lands is prohibited unless otherwise approved by an Event Authorization.

(7) Any restrictions to navigation established pursuant to state or federal law, applicable to District lands, shall be specified in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C., and reasonably identified in the field by appropriate signs.

(8) No person shall enter or exit District lands from a vessel or airboat when public access to such land is closed.

(9) No person shall launch an airboat or motorized vessel except at designated boat launch facilities. Ramps constructed pursuant to Rule 40E-6, F.A.C., shall be deemed to be designated boat launch facilities.

(10) No person shall operate an airboat or vessel beyond posted District signs.

(11) The take off or landing of either motorized or non-motorized aircraft, including airplanes, helicopters, ultra lights, gliders and hang gliders, is prohibited except in an emergency or for official business.

(12) The take off or landing of model aircraft is prohibited unless otherwise specified in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C., or approved by an Event Authorization.

*Specific Authority 373.044, 373.113 FS. Law Implemented 316.192, 316.1925, 316.655, 373.016, 373.1391, 373.59 FS. History—New 5-24-94, Amended 1-5-03, 7-12-06.*

#### **40E-7.526 Equestrian Activities; Use of Saddle Animals.**

(1) Equestrian activities are allowed on vacant undesignated lands and on Right of Way on existing canal maintenance berms and levee tops. On all other District lands equestrian activities are allowed on designated trails and established roads where permitted by signs. District lands requiring a Special Use License for equestrian activities are identified in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C.

(2) Users of saddle animals on District owned land must possess proof of negative Coggins test on their person.

(3) Equestrian activities are not permitted in wetland areas.

(4) The use of a horse cart as defined by subsection 40E-7.521(12), F.A.C., is permitted on Right of Way on existing canal maintenance berms and levee tops. On all other District lands, horse carts are prohibited except as authorized in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C.

*Specific Authority 373.044, 373.113 FS. Law Implemented 316.192, 316.1925, 316.655, 373.016, 373.1391, 373.59 FS. History—New 5-24-94, Amended 1-5-03, 7-12-06.*

#### **40E-7.527 Hunting; Possession and Use of Firearms or Hunting Devices.**

(1) Consistent with applicable provisions of local, state and federal law, concerning hunting or the possession and use of firearms or other types of hunting devices, such as the rules of the Florida Fish and Wildlife Conservation Commission and the United States Department of Interior, Fish and Wildlife Service, hunting, unlawful possession, discharge, and use of firearms or other types of hunting devices or, trapping devices and the releasing of free-running hunting dogs are prohibited on District lands unless the land is opened as a public hunting area and these uses are authorized in the specific public hunting area regulations. Nothing contained in Chapter 40E-7, Part V, F.A.C., shall be construed to prohibit the lawful possession of concealed weapons by persons properly licensed by the State of Florida to carry

concealed weapons. The prohibition on the possession and discharge of firearms or other types of hunting devices shall not apply on land approved by the District for use as a small arms shooting range.

(2) Public hunting on District lands is regulated, administered and enforced by the Florida Fish and Wildlife Conservation Commission, in cooperation with the District. If a public hunting area, is permitted on District lands, it shall be posted as prescribed by Chapter 810, F.S. Management Areas currently established as public hunt areas are noticed in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C.

(3) Public hunting areas shall only be established on District lands with approval of the Governing Board. Agreements between the District and the Florida Fish and Wildlife Conservation Commission or the United States Fish and Wildlife Service are considered to be authorizations to remove designated game species.

(4) No person shall hunt or possess a firearm or other type of hunting device except during regulated hunting seasons established and managed by the Florida Fish and Wildlife Conservation Commission.

(5) Erecting or maintaining tree stands on District lands more than 10 days before or more than 10 days after any authorized hunting season is prohibited.

(6) Placing, exposing or distributing any grain or other food for wildlife is prohibited.

(7) Hunting from improved roads is prohibited.

(8) Hunting in posted safety zones is prohibited.

(9) Hunting beyond posted signs is prohibited.

*Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.1401, 373.59, 790, 810.09 FS. History—New 5-24-94, Amended 1-1-01, 1-5-03, 7-12-06.*

#### **40E-7.528 Bicycling.**

Bicycling is allowed on vacant undesignated lands and on Right of Way on existing canal maintenance berms and levee tops. On all other District lands, bicycling is allowed on designated trails and established roads except where restricted by signs. Lands requiring a Specific Use License for bicycling are identified in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C.

*Specific Authority 373.044, 373,133 FS. Law Implemented 373.016, 373.1391, 373.1401, 373.59, 790, 810.04 FS. History—New 7-12-06.*

#### **40E-7.529 Overnight Camping.**

(1) Management Areas:

(a) Overnight, primitive camping on a first-come, first-serve basis is permitted only at designated campsites and shall require a Special Use License as specified in Rule 40E-7.538, F.A.C.

(b) Designated campsites and amenities within specific Management Areas shall be reasonably identified in the field by appropriate signs or markers.

(c) Overnight camping or the presence of camping equipment shall be limited to five (5) consecutive days, or 30 total days per year per District land where camping is authorized, unless authorized by Special Use License.

(d) Use of group campsites in Management Areas requires a Special Use License.

(2) Stormwater Treatment Areas, Impoundment Areas and Right of Way.

(a) Overnight, primitive camping is permitted only along the Florida National Scenic Trail when in possession of a Special Use License.

(b) Overnight camping or the presence of camping equipment shall be limited to one (1) night unless authorized by a Special Use License.

(3) No person shall install, erect, or maintain any unauthorized camp, building, structure, shelter, residence or sign.

*Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History–New 5-24-94, Amended 11-13-97, 1-1-99, 1-5-03, 7-12-06.*

**40E-7.530 Trapping.**

Trapping is prohibited on all District lands except where authorized by an Event Authorization which shall be limited to scientific study or removal of nuisance species. Trapping on District land is regulated, administered and enforced by the Florida Fish and Wildlife Conservation Commission.

*Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History–New 7-12-06.*

**40E-7.532 Operating Hours.**

District lands shall be open to public use twenty-four (24) hours a day seven (7) days a week except during authorized closures as set forth in subsection 40E-7.523(3), F.A.C., above or unless otherwise specified in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C.

*Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.119, 373.1391, 373.59 FS. History–New 5-24-94, Amended 7-12-06.*

**40E-7.534 Special Use Licenses.**

(1) A Special Use License, issued by the District's Land Stewardship Division or its authorized agents or contractors at no cost to the public, shall be required to engage in select activities on District lands identified by the Governing Board, when determined necessary to protect the natural resources of said areas, prevent overuse of facilities, or to avoid conflicts between users. District lands with Special Use License requirements, including the daily quota for Special Use Licenses for each District land, if any, shall be specified in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C.

(2) A Special Use Application and License shall be submitted to the District on Form #0830. Upon receipt of a properly completed Special Use Application and License Form #0830, the District's Land Stewardship Division shall issue Special Use Licenses on a first come first served basis until the daily quota established by the District for that activity is reached.

(3) Special Use Licenses shall only be valid for the dates shown on the License and must be in the possession of the applicant while on the identified District land. If the applicant is a group, then the license must be in the possession of the designated group leader.

(4) Persons wishing to obtain a Special Use License, when required by the District, may apply in person, call, or write to request a copy of Special Use Application and License Form #0830 from the District at the following:

(a) Land Stewardship Division  
South Florida Water Management District  
Post Office Box 24680 (mailing)  
Building B-1 3301 Gun Club Road (in person)  
West Palm Beach, FL 33416-4680

Telephone: (561)686-8800 or Florida WATS 1(800)432-2045, or

(b) From the applicable service center as set forth in the special provisions for the specific District land, or

(c) From the District's web site: [www.sfwmd.gov.html](http://www.sfwmd.gov.html).

(5) In the event the daily quota has been reached, the District shall notify the Special Use License applicant that the District intends to deny the application, and the applicant may request further consideration by the Governing Board.

(6) The Executive Director, or his designee, shall revoke a Special Use License if the licensee violates any provisions of this Rule or the Special Use License.

(7) Special Use Licenses shall be issued in accordance with the provisions of this section, for the purpose of providing mobility impaired persons the opportunity to use motorized vehicles to access portions of the District lands not otherwise open to motorized vehicles. Licenses for this purpose will be issued upon request, including proof of mobility impairment, as long as the requested use will not adversely impact the resource, impair the safety and welfare of the user, interfere with the reasonable use by others, or result in substantial financial obligations by the District to accommodate the user. Mobility impaired hunting permits are issued by the Florida Fish and Wildlife Conservation Commission.

(8) Any person prohibited from entering onto District land by a court order shall not be eligible to apply for a Special Use License, during the prohibition period.

*Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History—New 5-24-94, Amended 1-1-99, 1-1-01, 1-5-03, 7-12-06.*

**40E-7.535 Event Authorization.**

(1) A person or entity shall apply for an Event Authorization, at no cost to the applicant, to use District lands in a manner not otherwise provided for or authorized in this part.

(2) To receive an Event Authorization the applicant must provide reasonable assurance that:

- (a) The requested use will not involve the permanent alteration of any District land or the permanent placement of any structure on District land;
- (b) The requested use is resource-based;
- (c) The requested use is consistent with the management plan for the District lands involved;
- (d) The requested use will not harm the environmental resources of the District land;
- (e) The requested use will not cause unreasonable expense to the District;
- (f) The requested use will not create a substantial risk of liability to the District;
- (g) The requested use will not harm any dam, impoundment, works, water control structure, road, or District-owned facilities or equipment;
- (h) The requested use will not interfere with District water management, leased, or authorized uses of the land; and
- (i) The requested use will not interfere with any other use allowed by this part.

(3) The District shall impose upon any Event Authorization issued pursuant to this part such reasonable conditions as are necessary to assure that the use or activity authorized will meet the criteria set forth in this part.

(4) The Governing Board delegates to the Executive Director or their Designee the authority to issue or revoke Event Authorizations pursuant to this part.

(5) A person or entity may apply for an Event Authorization according to the following procedure:

(a) Submit a written request to:

South Florida Water Management District  
Land Stewardship Division  
P. O. Box 24680

West Palm Beach, Florida 33416-4680

(b) If the requested use will create a substantial risk of liability to the District, the applicant must mitigate the substantial risk of liability by:

- 1. Providing proof of liability and property damage insurance naming the District as an insured in an amount sufficient and determined by the District to cover the cost of the potential liability; and
- 2. Providing waivers or releases of liability sufficient to eliminate the potential liability.

(c) If the requested use satisfies all of the criteria set forth in this section and is not otherwise inconsistent with District Policy, the Executive Director shall issue the Event Authorization.

(6) A person or entity receiving an Event Authorization from the District must have the Event Authorization in their possession at all times while on District lands.

(7) In the event the holder of an Event Authorization violates the terms of the authorization, engages in a use not permitted by the authorization, or the authorized activity is no longer consistent with District policy, the Event Authorization shall be subject to revocation by the Executive Director or designee.

*Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History--New 7-12-06.*

**40E-7.537 General Prohibitions.**

The following shall be prohibited on all District lands unless otherwise specified:

- (1) Discharging firecrackers, rockets, or any other fireworks.
- (2) Destroying, defacing, or removing any natural resource or native plant, including the felling of dead trees.
- (3) Destroying, injuring, defacing, vandalizing, removing, or disturbing in any manner any public building, tower, recorder, gage, walkway, platform, well, sign, gate, fence, equipment, monument, marker, or other structure or improvement.
- (4) Destroying or damaging scientific study plots, photo points, transect lines, benchmarks or survey monuments, or survey markers.
- (5) Trespassing on, operating, vandalizing, or interfering with the operation of any water control structures.
- (6) Discharging or disposing of oil, gasoline, paint, thinner, pesticides, fertilizer, explosives or other pollutants, chemicals and wastes.
- (7) Cleaning fish, game, or food at potable watering stations, in rest rooms, at boat ramps, or trailheads, or washing clothing or articles, or washing, cleaning or servicing of vehicles except where facilities for such activities have been provided by the District or other management entity.
- (8) Using refuse containers or other refuse facilities for disposal of household or commercial garbage or trash.
- (9) Building a fire in a place other than a grill, fireplace, or fire ring provided by the District or other authorized management agency for such purpose. This prohibition does not apply to portable campstoves or grills provided by the user.
- (10) Commercial activity by a for-profit person or entity without contractual agreement with the District.
- (11) Conducting an activity on District lands where prohibited by posted signs where such activity is regulated by the posting of signs under Rule 40E-7, Part V, F.A.C.
- (12) Installing or maintaining unauthorized signs.
- (13) Pets with the exception of service animals and leashed animals on Management Areas.

*Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History--New 5-24-94, Amended 1-1-99, 1-5-03, 7-12-06.*

**40E-7.538 Special Provisions for Management Areas of the District Open to the Public.**

- (1) Rough Island North and South and Johnson Island Units.
  - (a) Seasonal public access to the Rough Island North limited access area is permitted from August 16 to February 14 only between the hours of 6:00 a.m. to 9:00 p.m., via the airboat gate. Users of this area must be in possession of a Special Use License.
  - (b) A quota of fifty (50) annual Special Use Licenses has been established for this area. Annual Special Use Licenses are available on June 1st of each year from the District's Upper Lakes Region land manager at the Orlando Service Center.

(c) Hunting is permitted in the Rough Island North limited access area only on those dates during seasonal public access period referenced in paragraph 40E-7.538(1)(a), F.A.C., which coincide with hunting seasons established by the Florida Fish and Wildlife Conservation Commission.

(d) Any person who has been issued an annual Special Use License for the limited use area shall have the annual Special Use License in possession while in the limited use area.

(e) Special Use License holders shall not operate any vessel not registered with the District in the limited access area without first notifying the District.

(f) The number of hunters that can accompany an annual Special Use License holder to hunt in the limited access area is limited to three.

(g) The annual Special Use License may be transferred from one registered airboat or watercraft to another airboat or watercraft after notifying the Upper Lakes Region land manager at the Orlando Service Center. The Special Use License holder may not operate that vessel in the limited access area until after such notification has been made.

(h) Any person convicted of violating a federal, District, state or local fish and wildlife law, statute, rule or ordinance within the previous 3 years shall not be eligible for a Special Use License to enter the Rough Island North limited use area.

(2) Lake Marion Creek Management Area in Polk County. Camping is permitted only at designated campsites when in possession of a Special Use License.

(3) Gardner-Cobb Marsh Management Unit in Osceola County.

(a) Persons may enter and exit the management area from Lake Cypress, Lake Hatchineha, Lake Kissimmee, and Canal 36.

(b) Airboating is prohibited beyond the restricted area signs, on or across improved roadways or within hammock areas, except that airboats may cross the main grade at the designated crossing points.

(c) Hunting in Ike Hammock is prohibited.

(d) Possession of a firearm or other types of hunting devices in Ike Hammock is prohibited.

(4) Lower Kissimmee River Management Area located in Polk, Osceola, Highlands, Glades, and Okeechobee Counties.

(a) Camping is permitted only at designated campsites when in the possession of a Special Use License.

(b) The use or possession of saddle animals is permitted when in the possession of a Special Use License.

(c) The use or possession of saddle animals and camping at designated campsites is permitted for both uses when in possession of a Special Use License permitting both uses.

(d) Safety Zones within the Public Use Area in Okeechobee, Highlands, Osceola, and Polk Counties.

1. All firearms and other types of hunting devices and firearms shall be unloaded.

2. A person in possession of a Special Use License to camp within the Safety Zone at the Oak Creek Campsite during a hunting season shall have firearms and other types of hunting devices unloaded and secured in a locked firearm or other type of hunting device case while in camp and while in direct travel to and from the campsite.

(5) DuPuis Management Area located in Martin and Palm Beach Counties.

(a) The use or possession of saddle animals and horse carts is restricted to the equestrian center, designated equestrian trails, and named or numbered roads.

(b) The use of off road vehicles is restricted to the designated disabled hunt in accordance with Florida Fish and Wildlife Conservation Commission regulations.

(c) No dogs are allowed on DuPuis except as authorized by the Florida Fish and Wildlife Conservation Commission.

(d) Camping at the family campsite:

1. Only tent camping or tent popup camping is allowed.

2. A maximum of 8 people and 2 vehicles are allowed per campsite.

3. Generators are not allowed.

(6) CREW Marsh Management Area located in Lee and Collier Counties.

(a) Persons may enter and exit the Management Area each day between sunrise and sunset from any established trailhead off State Road 850 (Corkscrew Road).

(b) Overnight camping is permitted at the designated primitive campsite when in the possession of a Special Use License (See Rule 40E-7.534, F.A.C.) or as authorized by Florida Fish and Wildlife Conservation Commission. A quota of twenty (20) persons per night has been established by the District for use of the designated campsites.

(7) Bird Rookery Swamp Management Area located in Collier County.  
Persons may enter the Management Area on foot at the west end of N. W. 43 Avenue, Collier County.

(8) Flint Pen Strand Management Area located in Lee County.  
Persons may enter and exit the Management Area on foot from Poormans Pass.

(9) Nicodemus Slough Management Area located in Glades County.

(a) Persons may enter the Management Area each day between sunrise and sunset; nighttime activities other than those specified in paragraph 40E-7.538(9)(c), F.A.C., below are prohibited.

(b) Overnight camping is prohibited.

(c) Airboating and frogging are permitted on the Management Area. Airboaters operating on the Management Area must be in possession of a Special Use License. A quota of five airboats per day has been established by the District. A copy of the Special Use License must be displayed in a readily visible location within the licensee's vehicle while parked on the Management Area.

(d) The use or possession of a saddle animal is prohibited.

*Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History—New 1-1-01, Amended 1-5-03, 7-12-06.*

#### **40E-7.5381 Special Provisions for Right of Way of the District.**

The following shall be prohibited on all Right of Way of the District; which include rights-of-way, canals, levees, maintenance berms, and spoil mounds:

(1) Hunting.

(2) Discharge of firearms or other types of hunting devices.

(3) Discharging firecrackers, rockets, or any other fireworks.

(4) Operating a motor vehicle including licensed and registered motor vehicles as well as off highway and all terrain vehicles except where the District has affirmatively opened a roadway or a parking area for public use.

(5) Operating any all terrain vehicles or off highway vehicles, or amphibious vehicles.

(6) Parking vehicles or trailers in such a manner as to block access roads, levees, maintenance berms, gates or water control structures.

(7) Anchoring or tying a vessel or watercraft to a road, levee, maintenance berm, structure, fence, tree, post, sign, gauge, data recorder, weed barrier, or boat barrier.

(8) Vessels being occupied or used as a temporary or permanent residence or business.

(9) Operating or mooring a vessel or watercraft in such a manner as to impede the District's ability to construct, operate and maintain its structures.

(10) Pets, with the exception of service animals, leashed animals and animals otherwise under the effective control of the owner.

(11) Installing, erecting or maintaining a temporary or permanent place of residence including, but not limited to, a camp, trailer, or shelter. Overnight primitive camping along the Florida National Scenic Trail is permitted if camper possesses a Special Use License on their person.

(12) The abandonment of personal or commercial property.

*Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History—New 7-12-06.*

**40E-7.5382 Special Provisions for Vacant Undesignated District Lands Open to the Public.**

The following shall be prohibited on vacant undesignated lands, as that term is defined in subsection 40E-7.521(30), F.A.C.

(1) Possession of a firearm or other types of hunting devices.

(2) Hunting is only authorized in those vacant undesignated lands which have been opened for public hunting as provided in Rule 40E-7.525, F.A.C., if any.

(3) Camping.

(4) Motorized vessels.

(5) Pets with the exception of service animals, leashed animals, and animals otherwise under the effective control of the owner.

(6) Public access between 1/2 hour after sunset to 1/2 hour before sunrise.

*Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History—New 7-12-06.*

**40E-7.5383 Special Provisions for Stormwater Treatment Areas (STA's) of the District Open to the Public.**

Persons may only enter and exit Stormwater Treatment Areas at designated public access points during the hours and days as designated by posted signs.

(1) The following are prohibited in all Stormwater Treatment Areas:

(a) Pets, with the exception of service animals.

(b) Frogging.

(c) Fishing in areas closed to fishing within the STA's as posted by sign.

(d) Motorized and non-motorized vessels and boat trailers in interior waters.

(e) Entering interior waters.

(2) Hunting is only authorized in those STA's which have been opened for public hunting in accordance with Rule 40E-7.525, F.A.C.

(3) Vessels and vessel operation is permitted only on STA exterior canals under the following limitations:

(a) Vessel and vessel operation limitations shall be posted by sign.

(b) Vessel and vessel operation limitations shall be made specific to each Stormwater Treatment Area exterior canal for: resource protection; protection of District structures, equipment, and levees; and operation and maintenance of the STA.

(c) Vessels shall be limited as motorized or non-motorized, and by engine horsepower, engine type, and vessel type.

(d) Vessel operation shall be limited by area, water depth, by distance from District structures, equipment, or levees, and by speed.

(4) The following vessel and vessel operations are prohibited in Stormwater Treatment Area exterior canals:

(a) Personal watercraft.

(b) Airboats.

(c) Vessel operation greater than Idle Speed within 300 feet of any District, structure or equipment.

(d) Vessel operation which causes damage to plants, injures animals or fish, or other environmental resources.

(e) Vessel operation within an area delineated by vessel barriers.

(f) Anchoring or tying a vessel or watercraft to a road, levee, maintenance berm, structure, fence, tree, post, sign, gauge, data recorder, weed barrier, or vessel barrier.

*Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59, 373.4592(4)(a) FS. History—New 7-12-06.*

**40E-7.5384 Special Provisions for Impoundment Areas of the District Open to the Public.**

Persons may only enter and exit Impoundment Areas at designated public access points during the hours and days as designated by posted signs.

(1) The following are prohibited in all Impoundment Areas:

(a) Pets with the exception of service animals, leashed animals, and animals otherwise under the effective control of the owner.

(b) Frogging.

(c) Fishing in areas closed to fishing within the Impoundment Areas as posted by sign.

(d) Swimming, surfing, snorkeling, scuba diving or use of other underwater breathing apparatus.

(e) Water skiing, tubing, wake boarding or similar in water sports.

(2) Hunting is only authorized in those Impoundments Areas which have been opened for the public hunting in accordance with Rule 40E-7.525, F.A.C., if any.

(3) Vessels and vessel operation is permitted on Impoundment Areas under the following limitations:

(a) Vessel and vessel operation limitations shall be posted by sign.

(b) Vessel and vessel operation limitations shall be made specific to each Impoundment Area for: resource protection; protection of District structures, equipment, and levees; and operation and maintenance of the Impoundment Area.

(c) Vessels shall be limited as motorized or non-motorized, and by engine horsepower, engine type, and vessel type.

(d) Airboat operation shall be limited to designated areas.

(e) Vessel operation shall be limited by area, water depth, by distance from District structures, equipment, or levees, and by speed.

(4) The following vessels and vessel operations are prohibited in Impoundments:

(a) Personal watercraft.

(b) Vessel operation greater than Idle Speed within 300 feet of any District, structure or equipment.

(c) Vessel operation which causes damage to plants, injures animals or fish, or other environmental resources.

(d) Vessel operation within an area delineated by vessel barriers.

(e) Anchoring or tying a vessel or watercraft to a road, levee, maintenance berm, structure, fence, tree, post, sign, gauge, data recorder, weed barrier or vessel barrier.

*Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History—New 7-12-06.*

**40E-7.539 Penalties.**

(1) Pursuant to Section 373.609, F.S., it shall be the duty of every state and county attorney, sheriff, police officer, and the appropriate city and county official to assist the District, and their agents, in the enforcement of the provisions of this rule.

(2) Any person who violates any provision of this rule is subject to eviction from the premises and/or arrest and prosecution for a second-degree misdemeanor, punishable as provided in Sections 775.082 or 775.083, F.S.

(3) The penalties identified in these rules do not supersede other remedies available to the District at law and/or in equity.

*Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.129, 373.1391, 373.59, 373.609, 373.613 FS.  
History—New 5-24-94, Amended 1-5-03, 7-12-06.*