

40E-7.511 Policy and Purpose.

(1) The purpose of Rules 40E-7.511 through 40E-7.539, F.A.C., hereinafter “this Part,” is to further implement the legislative intent expressed in Sections 259.101, 373.016(3)(i), 373.1391, 373.1395, and 373.59(11), F.S., 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) The District provides no assurance that District lands are safe for any purpose, that the District has a duty of care toward any person entering 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 except as provided in Section 373.1395, F.S.

Rulemaking Authority 279.101, 373.044, 373.113, 373.171 FS. Law Implemented 259.101, 373.056, 373.103, 373.1391, 373.1395, 373.59 FS. History—New 5-24-94, Amended 1-5-03, 7-12-06, 5-3-14.

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) 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 prevents 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.

(4) 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, Impoundment Areas, Rights of Way, and vacant undesignated lands 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.

(5) When the District authorizes another government entity to jointly manage public recreation on District lands, this Part is supplemental to the laws, statutes, ordinances, and rules of the other government entity. When in conflict with this Part, the laws, statutes, ordinances, and rules of the other government entity supersede this Part, unless otherwise inconsistent with Chapter 373, F.S.

(6) The following District lands are not governed under this Part:

(a) District office buildings, service centers, field stations, pump stations, and other facilities.

(b) District lands that are under a land management lease or agreement with city, county, state, federal agencies, or private entities, to assume total management responsibility, 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.

(7) Public Use Activities that are authorized by this Part are not authorized on District lands where the District has a less than fee interest and where the underlying fee owner has legally restricted or prohibited public access.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 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., 5-3-14.

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 District lands.
- (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 lands" means any real property owned, leased, managed, or controlled by the District and includes lands or water areas defined in this Part as Management Areas, Stormwater Treatment Areas, Impoundment Areas, Rights 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) "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.
- (9) "Group campsite" means a designated campsite for campers whose total is eight (8) or more people.
- (10) "Horse cart" means a non-motorized two- (2) wheeled vehicle pulled by a single saddle animal.
- (11) "Hunting device" means any mechanical device used to take or attempt to take wildlife or feral hogs.
- (12) "Idle Speed" means the minimum speed at which a motorized Vessel is able to move and maintain adequate steerage control.
- (13) "Impoundment Area" means District lands designated by the Governing Board as an Impoundment Area.
- (14) "Leased" means the granting of either an exclusive or non-exclusive use of or interest in District lands for a specified period of time.
- (15) "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, geocaching, astronomy, and visiting historical, archaeological, scenic or scientific sites.
- (16) "Management Area" means District lands, designated by the Governing Board as a Management Area.
- (17) "Management Unit" means a portion of any District lands 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.
- (18) "Natural Resources" mean water, soils, flora, and fauna.
- (19) "This Part" means Rules 40E-7.511 through 40E-7.539, F.A.C.
- (20) "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.
- (21) "Primitive Camping" means no amenities are provided.
- (22) "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.
- (23) "Recreational trail" means saddle animal riding, hiking, canoeing, bicycling, or jogging trails for use by the public.
- (24) "Right of Way" or "Rights of Way," for purposes of this Rule, means those lands acquired by the District in fee, easement, or other type of grant, for the purpose of construction, operation, and maintenance of Works of the District adopted pursuant to Section 373.086, F.S., including, but not limited to, canals, levees, water control structures, spoil areas, and access roads, excluding Stormwater Treatment Areas (STAs).
- (25) "Saddle animal" means any animal used to transport a person or property.
- (26) "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.

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

(28) “Vacant undesignated land” means any land owned by the District that is not designated as a Management Area, Stormwater Treatment Area, Impoundment Area, or Rights of Way and has legal and practical public access.

(29) “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.

Rulemaking Authority 373.019, 373.044, 373.113, 373.171 FS. Law Implemented 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, 8-28-12, 5-3-14.

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) Under the following conditions, activities authorized under this rule will be prohibited or District lands will be closed:

(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.

(b) When necessary based upon available information at the time, on a temporary, seasonal or permanent basis to protect natural, historic or archaeological resources.

(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) If District lands or facilities are identified as “critical infrastructure”, designated by the Regional Domestic Security Task Force pursuant to applicable law, then such lands or facilities are closed for public use without further action required by the Governing Board.

(4) Closures of 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 Rights of Way from Vessels is allowed when these lands are open for public access.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.1391, 373.59 FS. History—New 5-24-94, Amended 1-1-99, 1-1-01, 7-12-06, 5-3-14.

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

(1) The operation of licensed and unlicensed vehicles, including swamp buggies, tracked vehicles, off-road or off-highway all-terrain vehicles, motorcycles, golf carts, or any other type of unlicensed motorized vehicle, on District lands is prohibited except:

(a) The use of licensed vehicles is authorized on designated roads open to the public;

(b) The use of vehicles is authorized where the District has affirmatively opened a roadway or parking area for a specified public use; or

(c) The use of vehicles is authorized where authorized by a Special Use License or Event Authorization.

(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 operated on roads on District lands.

(4) Parking 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.

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

(6) Any restrictions to navigation established pursuant to state or federal law, applicable to District lands, are specified in Rules 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C., and identified by posted signage.

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

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

(9) No person shall operate an airboat or Vessel beyond posted signage.

(10) The takeoff 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.

(11) The takeoff or landing of model aircraft is prohibited unless approved by an Event Authorization.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 316.192, 316.1925, 316.655, 373.1391, 373.59 FS. History—New 5-24-94, Amended 1-5-03, 7-12-06, 5-3-14.

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

(1) Equestrian activities are allowed on Rights of Way on canal maintenance berms and levee tops. On all other District lands, equestrian activities are allowed where identified by posted signage on trails, areas, designated roads, or equestrian campgrounds. District lands where a Special Use License is required to conduct equestrian activities are identified by posted signage.

(2) Rule 5C-18.010, F.A.C. (2013), requires that all persons using saddle animals must have a report of a negative Coggins test for Equine Infectious Anemia. Persons using saddle animals on District lands must have proof of a negative Coggins test in their possession at all times.

(3) Equestrian activities are prohibited in wetland areas.

(4) The use of a horse cart as defined by subsection 40E-7.521(10), F.A.C., is authorized on Rights of Way on existing canal maintenance berms and levee tops and on other District lands as identified by posted signage on trails, areas, designated roads, or equestrian campgrounds.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 316.192, 316.1925, 316.655, 373.1391, 373.59 FS. History—New 5-24-94, Amended 1-5-03, 7-12-06, 5-3-14.

40E-7.527 Hunting.

(1) The Florida Fish and Wildlife Conservation Commission and the United States Department of Interior, Fish and Wildlife Service have rules governing hunting. Hunting, trapping 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.

(2) Public hunting on District lands is regulated, administered and enforced by the Florida Fish and Wildlife Conservation Commission, in cooperation with the District. A public hunting area established on District lands will be posted.

(3) Public hunting areas are established on District lands with approval of the Governing Board, except that the Executive Director authorizes public hunting on District lands less than 100 acres in size and adjacent to other District lands with established hunting areas.

(4) Hunting is prohibited 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 areas posted as closed to hunting is prohibited.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.1401, 373.59 FS. History—New 5-24-94, Amended 1-1-01, 1-5-03, 7-12-06, 8-28-12, 5-3-14.

40E-7.528 Bicycling.

Bicycling is allowed on Rights of Way on existing canal maintenance berms and levee tops. On all other District lands, bicycling is allowed except as restricted by posted signage.

Rulemaking Authority 373.044, 373.133 FS. Law Implemented 373.1391, 373.1401, 373.59 FS. History—New 7-12-06, Amended 5-3-14.

40E-7.529 Overnight Camping.

(1) Management Areas:

(a) Camping and the use of camping amenities are authorized only within designated campsites as identified by posted signage.

(b) Overnight camping or the presence of camping equipment is limited to eight (8) consecutive days, or 30 total days per year on District lands where camping is authorized, unless authorized by Special Use License.

(c) A Special Use License is required:

1. In camping areas identified by posted signage; and
2. For group campsites in Management Areas.

(d) Camping is prohibited without a Special Use License where a Special Use License is required as posted by signage.

(2) Overnight camping within Stormwater Treatment Areas, Impoundment Areas, and Rights of Way is prohibited, except that overnight Primitive Camping, or the presence of camping equipment on the Florida National Scenic Trail is authorized for one night only per site and when in possession of a Special Use License.

(3) Camping within vacant undesignated lands is prohibited unless authorized by an Event Authorization.

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

(5) Between the hours of 11:00 p.m. and 7:00 a.m., loud music, barking dogs, or any other activities causing excessive noise are prohibited in camping areas. Generator use in camping areas is allowed except as restricted by posted signage.

(6) Pets must be leashed and under control within camping areas.

(7) Within camping areas, pet waste must be disposed of in waste bins, if provided. Horse manure must be disposed in designated manure disposal areas if provided.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 5-24-94, Amended 11-13-97, 1-1-99, 1-5-03, 7-12-06, 5-3-14.

40E-7.530 Trapping.

Trapping is prohibited on all District lands except as authorized by the District for land management purposes.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-12-06, Amended 5-3-14.

40E-7.532 Operating Hours.

District lands will be open to public use twenty-four (24) hours a day, seven (7) days a week, or during the hours and days designated for specific areas identified by posted signage, consistent with Rules 40E-7.5382, 40E-7.5383, and 40E-7.5384, F.A.C., except during authorized closures as set forth in subsection 40E-7.523(3), F.A.C.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.1391, 373.59 FS. History—New 5-24-94, Amended 7-

40E-7.534 Special Use Licenses.

(1) In order to maximize opportunities for public recreation on District lands and provide public access where it might otherwise be prohibited, the District issues Special Use Licenses. A Special Use License is required to engage in the following activities on District lands:

- (a) To obtain vehicular access to District lands through locked gates as identified by posted signage;
- (b) To reserve campsites in certain areas with limited capacity as identified by posted signage;
- (c) For equestrian use in certain areas with limited capacity as identified by posted signage; or

(d) For persons with a mobility impairment requesting to use a vehicle in areas prohibited under Rule 40E-7.525, F.A.C., or requesting other mobility-impaired accommodations.

(2) The District will issue Special Use Licenses on a first-come, first-served basis when the area and facilities can accommodate the requested use and such use is consistent with the protection of natural resources.

(3) A Special Use License holder and all participants must comply with all conditions as reflected in the Special Use License, (Form #0830).

(4) Special Use License holders must retain the license in their possession at all times when using the area for which the license applies. If the Licensee is a group, the license must be in the possession of the group leader.

(5) If the Licensee is using a vehicle, the license reference number must be displayed on the driver's side of the dashboard of the Licensee's and any participant's vehicle.

(6) Persons requesting 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 No. #0830 effective (5-3-14) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03637>), which is hereby incorporated by reference and may be obtained from the District at the following:

- (a) Land Resources Bureau
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) The District's website: www.sfwmd.gov/recreation.

(7) The District shall revoke a Special Use License if the licensee violates any provisions of this Part or the Special Use License.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 5-24-94, Amended 1-1-99, 1-1-01, 1-5-03, 7-12-06, 5-3-14.

40E-7.535 Event Authorization.

(1) In order to provide opportunities for group activities on District lands in a manner not otherwise provided or authorized in this Part, the District issues Event Authorizations.

(2) To receive an Event Authorization, a person or entity must provide reasonable assurance that:

- (a) The requested use will not involve the permanent alteration of any District lands or the permanent placement of any structure on District lands;
- (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 natural resources of the District lands;
- (e) The requested use will not cause unreasonable expense to the District;
- (f) The requested use will not create a substantial risk of liability that is not mitigated pursuant to paragraph (4)(b);

(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) Event Authorizations issued pursuant to this Part will include such reasonable conditions as are necessary to assure that the use or activity authorized will meet the criteria set forth in this Part.

(4) A person or entity may request an Event Authorization according to the following procedure:

(a) Submit a written request to:

South Florida Water Management District

Land Resources Bureau

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 person or entity 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.

(5) 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.

(6) The District shall revoke an Event Authorization if the holder violates its terms or engages in an activity not authorized by the Event Authorization.

(7) An Event Authorization holder and all participants must comply with all conditions of the Event Authorization.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-12-06, Amended 5-3-14.

40E-7.537 General Prohibitions.

The following are 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 or disposing of fish, game, animals, or food at: potable watering stations, rest rooms, boat ramps, camping areas, levees, 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 to dispose of household or commercial garbage.

(9) Building or maintaining 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 person or entity without a written agreement with the District.

(11) Conducting an activity on District lands that is prohibited, restricted, or regulated by posted signage.

(12) Installing or maintaining unauthorized signs.

(13) Pets that are not under physical restraint.

(14) The abandonment of personal property.

(15) Using a horse trough for anything other than watering horses.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 5-24-94, Amended 1-1-99, 1-5-03, 7-12-06, 5-3-14.

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

(1) Gardner-Cobb Marsh Management Unit in Osceola County:

Persons may only enter and exit the Management Unit from Lake Cypress, Lake Hatchineha, Lake Kissimmee, and Canal 36.

(2) DuPuis Management Area located in Martin and Palm Beach Counties:

- (a) Camping at the family campsite is limited to:
- (b) Only tent camping or tent popup camping; and
- (c) A maximum of 8 people and 2 vehicles per campsite.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 1-1-01, Amended 1-5-03, 7-12-06, 8-28-12, 5-3-14.

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

Unless authorized under Chapter 40E-6, F.A.C., the following, in addition to the other prohibitions and restrictions in this Part, are prohibited on all District Rights of Way:

(1) Hunting.

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

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

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

(5) Pets that are not under physical restraint or under the effective control of the owner.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-12-06, Amended 8-28-12, 5-3-14.

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

(1) In addition to the other prohibitions and restrictions in this Part, the following are prohibited on Vacant undesignated lands:

- (a) Motorized Vessels.
- (b) Public access between 1/2 hour after sunset to 1/2 hour before sunrise.
- (2) Pets must be under physical restraint at all times.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History—New 7-12-06, Amended 8-28-12, 5-3-14.

40E-7.5383 Special Provisions for Stormwater Treatment Areas (STAs) 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, and in areas as identified by posted signage.

(1) In addition to the other prohibitions and restrictions in this Part, the following are prohibited in all Stormwater Treatment Areas:

- (a) Fishing or frogging in areas closed to fishing or frogging within the STAs as restricted by posted by signage.
- (b) Motorized and non-motorized Vessels and boat trailers in interior waters, with the exception of those areas identified by posted signage.
- (c) Entering interior waters.

(2) Vessels and Vessel operation are authorized only on STA exterior canals under the following limitations:

- (a) Vessel and Vessel operation limitations are posted by signage.

(b) Vessel and Vessel operation limitations are 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 are limited as motorized or non-motorized, and by engine horsepower, engine type, and Vessel type.

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

(3) 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 natural 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.

(4) Pets must be under physical restraint at all times and are only allowed in areas identified by posted signage.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.4592(4)(a), 373.59 FS. History–New 7-12-06, Amended 5-3-14.

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, and in areas as identified by posted signage.

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

(a) Fishing or frogging in areas closed to fishing or frogging within the Impoundment Areas identified by posted signage.

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

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

(2) Vessels and Vessel operation is authorized on Impoundment Areas under the following limitations:

(a) Vessel and Vessel operation limitations are posted by signage.

(b) Vessel and Vessel operation limitations are 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 are limited as motorized or non-motorized, and by engine horsepower, engine type, and Vessel type.

(d) Airboat operation is limited to designated areas.

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

(3) 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 natural 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.

(4) Pets must be under physical restraint at all times and are only allowed in areas identified by posted signage.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.1391, 373.59 FS. History–New 7-12-06, Amended 5-3-14.

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 Section 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.

Rulemaking 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.