

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

(1) The purpose of Rules 40E-7.511 through 40E-7.539, F.A.C., hereinafter “this Part,” the rule in this part is to further implement the legislative intent expressed in Sections 259.101, 373.016(3)(i)(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 provides no assurance 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 except as provided in Section 373.1395, F.S.

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

#### **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.~~

~~(3)~~ ~~(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 prevents ~~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.

~~(4)~~ ~~(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, 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, including but not limited to Chapter 810, F.S.

~~(5)~~ ~~(6)~~ When the District authorizes another government entity to jointly manage public recreation on District lands, this Part Chapter 40E-7, Part V, F.A.C., 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. ~~governmental entities where cooperative agreements for management of certain public uses of district lands have been approved by the Governing Board.~~

~~(6)~~ (7) The following District lands are not governed under this Part: ~~exempt from the provisions of Chapter 40E-7, Part V, F.A.C.:~~

(a) District office buildings, service centers, field stations, pump 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 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)(e)~~ Public Use Activities that are authorized by this Part are not authorized on District Lands where in which 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 373.016, 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. Amended \_\_\_\_\_.*

#### **40E-7.521 Definitions.**

When used in this Ppart:

(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 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 in which the District and includes lands or water areas defined in this Part as has an interest and is limited to 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 Ppart.

~~(8)~~ “Executive Director” means the person who is in the position of Executive Director for the South Florida Water Management District.

~~(8)(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.

~~(9)(10)~~ “Group campsite” means a designated campsite for campers whose total is eight (8) or more people.

~~(10)(11)~~ “Horse cart” means a non-motorized two- (2) wheeled vehicle pulled by a single

saddle animal.

(11)(12) “Hunting device” means any mechanical device used to take or attempt to take wildlife or feral hogs.

(12)(13) “Idle Speed” means the minimum speed at which a motorized Vvessel is able to move and maintain adequate steering control.

(13)(14) “Impoundment Area” means District lands designated by the Governing Board as an Impoundment Area.

(14)(15) “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)(16) “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)(17) “Management Area” means District lands 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.~~

(17)(18) “Management Unit” means a portion of any ~~Save Our Rivers land or other~~ 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)(19) “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 Vvessel less than ~~then~~ 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 Vvessel, rather than in the conventional manner of sitting or standing inside the Vvessel.

(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 the Right of Way acquired by the District in fee, easement, or other type of grant, for the purpose of construction, operation, and maintenance of the canals and levees adopted as Works of the District adopted pursuant to Section 373.086, F.S., including, but not limited to, These Right of Way include the canals, levees, water control structures, spoil areas, and access roads, excluding Stormwater Treatment Areas (STAs), maintenance berms and spoil mounds located thereon.

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

(26) “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.~~

(26)(27) “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)(28)~~ “Stormwater Treatment Area” means District lands designated by the Governing Board as a Stormwater Treatment Area.

~~(28)(29)~~ “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 ~~which land is greater than ten (10) acres~~ and has legal and practical public access.

~~(29)(30)~~ “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 373.016, 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, 8-28-12. Amended*

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#### **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 District lands or areas within District lands shall be closed to public use 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.** ~~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~~ **If** District lands or facilities are **identified as** “critical infrastructure”, **as** designated by the Regional Domestic Security Task Force pursuant to applicable law, **whereupon then** such lands or facilities **shall be immediately deemed are** 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) ~~Closures of District lands Regulated closures under subsection 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 Rights of Way from Vvessels is allowed when these lands are open for public access.

*Rulemaking 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. Amended*

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**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: ~~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.~~

(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 ~~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 motoeross motorcycles, or any other type of motorized vehicle on District lands is prohibited unless otherwise approved by an Event Authorization.~~

~~(6)(7) Any restrictions to navigation established pursuant to state or federal law, applicable to District lands, are 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 by posted signage. in the field by appropriate signs.~~

~~(7)(8) No person shall enter or exit District lands from a Vvessel or airboat when public access to such land is closed.~~

~~(8)(9) No person shall launch an airboat or motorized Vvessel except at designated boat launch facilities. Ramps constructed pursuant to Chapter 40E-6, F.A.C., are shall be deemed to be designated boat launch facilities.~~

~~(9)(10) No person shall operate an airboat or Vvessel beyond posted signage. District signs.~~

~~(10)(11) The takeoff 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.~~

(11)(12) The ~~takeoff~~ 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.

*Rulemaking 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. Amended*

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

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

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

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

(4) The use of a horse cart as defined by subsection ~~40E-7.521(10)(11),~~ F.A.C., is authorized ~~permitted~~ on Rights of Way on existing canal maintenance berms and levee tops and on ~~On all~~ other District lands as identified by posted signage on trails, areas, designated roads, or equestrian campgrounds. ~~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.~~

*Rulemaking 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. Amended*

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#### **40E-7.527 Hunting.**

(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 have rules governing hunting. ~~H~~ 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 If a public hunting area established, is permitted on District lands will, 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 ~~are shall only be~~ 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. 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) Hunting is prohibited ~~No person shall hunt~~ 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 ~~safety zones~~ is prohibited.

(9) ~~Hunting beyond posted signs is prohibited.~~

*Rulemaking 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, 8-28-12. Amended \_\_\_\_\_.*

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

Bicycling is allowed on ~~vacant undesignated lands and 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. ~~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.~~

*Rulemaking Authority 373.044, 373.133 FS. Law Implemented 373.016, 373.1391, 373.1401, 373.59, 790, 810.09 FS. History—New 7-12-06. Amended \_\_\_\_\_.*

#### **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. ~~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.~~

~~(b)(e)~~ Overnight camping or the presence of camping equipment is shall be limited to eight ~~(8) five (5) consecutive days, or 30 total days per year on per~~ 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 Use of group campsites in Management Areas requires 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.

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

~~(4)(3) 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 373.016, 373.1391, 373.59 FS. History—New 5-24-94, Amended 11-13-97, 1-1-99, 1-5-03, 7-12-06. Amended \_\_\_\_\_.*

#### **40E-7.530 Trapping.**

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

*Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History—New 7-12-06. Amended \_\_\_\_\_.*

#### **40E-7.532 Operating Hours.**

District lands ~~will~~ shall 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., 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.

*Rulemaking 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. Amended \_\_\_\_\_.*



#### **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 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 the following 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.

- (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)(2) A Special Use Application and License holder and all participants must comply with all conditions as reflected in the 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) 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)(4) Persons requesting 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 No. #0830 effective ( ) (add Hyperlink), which is hereby incorporated by reference and may be obtained from the District at the following:

- (a) Land Resources Bureau 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) the District's website: [www.sfwmd.gov/recreation](http://www.sfwmd.gov/recreation) From the applicable service center as set forth in the special provisions for the specific District land, or
  - (c) From the District's website: [www.sfwmd.gov/org/clm/lsd/public.html](http://www.sfwmd.gov/org/clm/lsd/public.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.~~

~~(7)(6) The District Executive Director, or his designee, shall~~ revoke a Special Use License if the licensee violates any provisions of this Part ~~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.~~

*Rulemaking 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. Amended*

#### **40E-7.535 Event Authorization.**

~~(1) In order to provide opportunities for group activities on~~ 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, the District issues Event Authorizations. part.

~~(2) To receive an Event Authorization, a person or entity the applicant~~ 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 environmental 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 subsection (4)(b); 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 Ppart.

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

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

~~(4)(5) A person or entity may request apply for~~ an Event Authorization according to the following procedure:

(a) Submit a written request to:

South Florida Water Management District

Land Resources Bureau 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 person or entity 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.~~

~~(5)(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.~~

~~(6)(7) The District shall revoke in the event the holder of an Event Authorization if the holder violates its the terms or of the authorization, engages in an activity a use not authorized 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.~~

(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 373.016, 373.1391, 373.59 FS. History—New 7-12-06. Amended \_\_\_\_\_.*

#### **40E-7.537 General Prohibitions.**

The following are 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 or disposing of fish, game, animals, or food at: potable watering stations, ~~in~~ rest rooms, ~~at~~ 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 for disposal of household or commercial garbage ~~or trash~~.

(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 ~~for-profit~~ person or entity without a written contractual agreement with the District.

(11) Conducting an activity on District lands that is prohibited, restricted, or regulated by posted signage. ~~where prohibited by posted signs where such activity is regulated by the posting of signs under Chapter 40E-7, Part V, F.A.C.~~

(12) Installing or maintaining unauthorized signs.

(13) Pets that are not under physical restraint. ~~with the exception of service animals and leashed animals on Management Areas.~~

(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 ~~373.016~~, 373.1391, 373.59 FS. History—New 5-24-94, Amended 1-1-99, 1-5-03, 7-12-06. Amended \_\_\_\_\_.*

#### **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.~~

~~(1)(3) Gardner-Cobb Marsh Management Unit in Osceola County: -~~

~~(a) Persons may only enter and exit the Management Unit 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.~~

~~(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.~~

~~(2)(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.~~

~~(a)(d) Camping at the family campsite is limited to:~~

~~1. Only tent camping or tent popup camping; and 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.~~

*Rulemaking 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, 8-28-12. Amended \_\_\_\_\_.*

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

Unless authorized under Chapter 40E-6, F.A.C., the The following, in addition to the other

prohibitions and restrictions in this Part, are ~~shall be prohibited on all Right of Way of the District Rights of Way; ; which include rights of way, canals, levees, maintenance berms, and spoil mounds:~~

- (1) Hunting.
- (2) Discharging firecrackers, rockets, or any other fireworks.
- (3) 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.
- (4) Operating any all terrain vehicles or off highway vehicles, or amphibious vehicles.
- (5) Parking vehicles or trailers in such a manner as to block access roads, levees, maintenance berms, gates or water control structures.
- (2)(6) Anchoring or tying a Vessel, including personal or watercraft, to a road, levee, maintenance berm, structure, fence, tree, post, sign, gauge, data recorder, weed barrier, or boat barrier.
- (3)(7) Vessels being occupied or used as a temporary or permanent residence or business.
- (4)(8) Operating or mooring a Vessel, including personal or watercraft in such a manner as to impede the District's ability to construct, operate and maintain its structures.
- (5)(9) Pets that are not under physical restraint or , with the exception of service animals, leashed animals and animals otherwise under the effective control of the owner.
- (10) 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.
- (11) The abandonment of personal or commercial property.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented **373.016**, 373.1391, 373.59 FS. History—New 7-12-06, Amended 8-28-12. Amended \_\_\_\_\_.

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

(1) 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.

(2) Camping.

(a)(3) Motorized vessels.

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

(b)(5) 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 **373.016**, 373.1391, 373.59 FS. History—New 7-12-06, Amended 8-28-12. Amended \_\_\_\_\_.

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

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

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

~~(b) Frogging.~~

~~(a)(e)~~ Fishing or frogging in areas closed to fishing or frogging within the STAs STA's as restricted by posted signage. by sign.

~~(b)(d)~~ Motorized and non-motorized Vvessels and boat trailers in interior waters, with the exception of those areas identified by posted signage.

~~(c)(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.~~

~~(2)(3)~~ Vessels and Vvessel operation are authorized is permitted only on STA exterior canals under the following limitations:

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

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

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

~~(3)(4)~~ The following Vvessel and Vvessel 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 environmental resources.

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

(f) Anchoring or tying a Vvessel or watercraft to a road, levee, maintenance berm, structure, fence, tree, post, sign, gauge, data recorder, weed barrier, or Vvessel 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 **373.016**, 373.1391, 373.4592(4)(a), 373.59 FS. History—New 7-12-06. Amended \_\_\_\_\_.*

#### **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 designated by posted signagesigns.

(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.~~

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

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

~~(c)~~(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.

~~(2)~~(3) Vessels and Vvessel operation is authorized ~~permitted~~ on Impoundment Areas under the following limitations:

(a) Vessel and Vvessel operation limitations are ~~shall be~~ posted by signage.

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

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

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

~~(3)~~(4) The following Vvessels and Vvessel 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 environmental resources.

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

(e) Anchoring or tying a Vvessel or watercraft to a road, levee, maintenance berm, structure, fence, tree, post, sign, gauge, data recorder, weed barrier or Vvessel 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 373.016, 373.1391, 373.59 FS. History—New 7-12-06. Amended \_\_\_\_\_.*