

CHAPTER 40D-9 DISTRICT LAND USE RULES

40D-9.021 Definitions.

When used in this part:

- (1) "Access point" means a designated location or boundary for public access to District Lands.
- (2) "Bicycle" ~~is as defined in Section 316.003(4), Florida Statutes, means every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. A person under the age of 16 may not operate or ride upon a motorized bicycle.~~
(3) "Electric Bicycle" is as defined in Section 316.003(23), Florida Statutes.
- (4) ~~(3)~~ "Bicycling" means to ride a bicycle or an electric bicycle.
- (5) ~~(4)~~ "Commercial" activities means selling or offering to sell any merchandise or service including those derived from the recreational use of District Lands including, but not limited to, providing guide services or tours, or providing rental vehicles or animals for use on District Lands.
- (6) ~~(5)~~ "Camping" means to use a vehicle, tent, or other shelter, and/or to arrange bedding with the intent to stay overnight.
- (7) ~~(6)~~ "District" means the Southwest Florida Water Management District, operating under the authority of Chapter 373, F.S.
- (8) ~~(7)~~ "District Lands" means any real property owned, leased, managed, or controlled by the District.
- (9) ~~(8)~~ "Facility" or "Structure" means any object placed on District Lands, which is intended to be permanently attached to the land, or which would be considered a fixture under Florida Law.
- (10) ~~(9)~~ "Fireworks" means any device as defined in Chapter 791, F.S.
- (11) ~~(10)~~ "Historic resource" means any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value, and folklife resources. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state.
- (12) ~~(11)~~ "Horse cart" means a non-motorized two- (2) or four- (4) wheeled vehicle pulled by up to two equine animals driven by a human.
- (13) ~~(12)~~ "Mobility impaired persons" means a person eligible for a disabled person exemption parking permit pursuant to Section 320.0848, F.S.
- (14) ~~(13)~~ "Motorized Vehicle" means any vehicle, which travels over land and is partially or completely powered by an engine ~~or a motor~~, as well as animal-drawn carriages and buggies.
- (15) ~~(14)~~ "Natural resource" means land, water, soils, flora, and fauna.
- (16) ~~(15)~~ "Resource-based" means an activity that depends on natural resources for its occurrence such as fishing, boating, camping, wildlife study, equine trail riding, or hunting.
- (17) ~~(16)~~ "Special Use Authorization" means the granting of a privilege to go on or use District Lands for a certain purpose without conveying any property or possessory interest.

Rulemaking Authority 373.044, 373.113, 373.1391(6) FS. Law Implemented 259.105, 373.1391, 373.59 FS. History—New 7-20-04, Amended 6-23-21, _____.

40D-9.120 Commercial Recreational Activities.

Any entity planning to conduct a commercial recreational activity consistent with these rules on District Lands is subject to prior District approval. The requesting entity must contact the district's Land Resources Bureau at recreation@watermatters.org or at (352) 796-7211, shall contact the District and provide the following information prior to entry upon District Lands:

- ~~(1) Name of business and owner,~~
- ~~(2) Address of business and owner,~~
- ~~(3) Type of activity to be conducted on District Lands,~~

- (4) ~~Number of participants in the activity, and~~
(5) ~~Duration of the activity.~~

Rulemaking Authority 373.044, 373.113, 373.1391(6) FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, _____.

40D-9.150 Equine Activities.

- (1) Equestrian activities are allowed on District Lands where identified by posted signage on trails, areas, roads, or equestrian ~~equestrian~~ campgrounds.
- (2) Persons using equine animals on District lands must have proof of a negative Coggins test for Equine Infectious Anemia in their possession at all times.
- (3) Equestrian activities are prohibited in wetlands, except in areas identified in subsection (1).
- (4) The use of a horse cart as defined by subsection 40D-9.021(11), F.A.C., must be authorized by the District and is allowed only on designated District lands as identified by posted signage on trails, areas, roads, or equestrian campgrounds..

Rulemaking Authority 373.044, 373.113, 373.1391(6) FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended 6-23-21, _____.

40D-9.160 Bicycling.

Bicycling and electric bicycling on District Lands are is allowed only where authorized. on District Lands designated for this purpose. Maps are available at <https://www.swfwmd.state.fl.us/recreation/sites>. Class 3 electric bicycles are prohibited on District Lands.

Rulemaking Authority 373.044, 373.113, 373.1391(6) FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended 6-23-21, _____.

40D-9.170 Hunting.

Hunting is allowed on District Lands designated by the District. The Florida Fish and Wildlife Conservation Commission (Commission) regulates and manages recreational hunting on District Lands by agreement with the District and pursuant to the Florida Statutes and the Commission's own rules. On District Lands not designated as a Wildlife Management Area, the District allows hunting by permit where hunting is part of the site-specific management plan developed or authorized by the District. The District may ~~shall~~ issue permits or Special Use Authorizations for hunts on District Lands and shall limit the number of permits based upon the conservation management goals and objectives contained within the specific management plan for the property. Any person engaging in hunting on District Lands during such authorized hunts must have in their possession a valid hunting license for game animals and a District permit or Special Use Authorization. Game feeding stations are prohibited on District Lands, and no person shall deposit corn, wheat, grain, or any other food, bait, or other substance on District Lands.

Rulemaking Authority 373.044, 373.113, 373.1391(6) FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended 7-6-10, 6-23-21, _____.

40D-9.180 Swimming.

Swimming is prohibited ~~allowed~~ on District Lands except only in designated areas or where ~~unless~~ authorized by a Special Use Authorization.

Rulemaking Authority 373.044, 373.113, 373.1391(6) FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, _____.

40D-9.181 Underwater Diving.

Scuba diving, or the use of underwater breathing apparatus of a similar nature, is prohibited on District Lands unless authorized by a Special Use Authorization. Those ~~A person~~ issued a Special Use Authorization to perform a dive from District Lands shall submit a report informing the District of any scientific or archaeological evidence discovered during the dive within 30 days after completing the dive. To receive a Special Use Authorization for diving, the applicant must satisfy the requirements contained in Rule 40D-9.330, F.A.C., and must provide reasonable assurances that:

- (1) The dive is for a scientific or resource investigation purpose; and

(2) The ~~people~~ ~~person~~ performing the dive ~~are~~ is certified for the type of dive to be performed.

Rulemaking Authority 373.044, 373.113, 373.1391(6) FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended 6-23-21, _____.

40D-9.190 Dogs, Cats, or Other Animals.

Dogs and equine animals are allowed on District Lands only in designated areas. Dogs must be leashed or caged at all times unless they are authorized as part of an approved hunting program or authorized by a Special Use Authorization. Owners must have control of their dogs at all times. Dogs shall not be left unattended. Any dog who has, when unprovoked, bitten any animal or person shall be ejected from District property. Any dog who has, when unprovoked, chased or approached any animal or person in a menacing fashion or apparent attitude of attack, is subject to ejection from District property at the sole discretion of law enforcement and/or District staff. Other types of domesticated animals, such as cats, are prohibited on District Lands. Dog waste must be removed by owner.

Rulemaking Authority 373.044, 373.113, 373.1391(6) FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended 6-23-21, _____.

40D-9.191 Plant or Animal Removal, Destruction, or Harassment.

Removing, destroying, or harassing animals or plants, including the felling of ~~dead~~ trees (dead or alive), from or on District Lands is prohibited except for research efforts, hunting and fishing activities authorized by permit or Special Use Authorization, or District initiated removals associated with restoration, control of exotic or nuisance species, silvicultural timber harvests or other land management activities.

Rulemaking Authority 373.044, 373.113, 373.1391(6) FS. Law Implemented 373.1391, 373.059 FS. History—New 7-20-04, Amended 6-23-21, _____.

40D-9.210 Disposal or Discharge of Waste.

The disposal or discharge of any waste outside of designated waste collection facilities is prohibited on District Lands. This includes, but is not limited to, tires, yard waste, and any trash or garbage in and around campgrounds and day use areas. The disposal of oil, gasoline or other hazardous substances is prohibited on District Lands. The District may seek reimbursement of costs for removal of any unauthorized waste disposed of or discharged on District Lands.

Rulemaking Authority 373.044, 373.113, 373.1391(6) FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, _____.

40D-9.230 Potentially Dangerous Equipment.

The possession or use of potentially dangerous equipment on District Lands, as set forth below, is prohibited except:

- (1) For hunting purposes during specifically authorized hunts;
- (2) For District initiated land management activities;
- (3) As authorized by a Special Use Authorization.

Potentially dangerous equipment includes blow guns, crossbows, spear guns, or other devices capable of mechanically propelling an arrow, spear, bolt, or similar projectile. The use of paintball guns, paintball markers, and paintball equipment on District Lands is prohibited. Paintball equipment includes, but is not limited to: paint balls, paint gun refillable gas tanks, paint gun propellant canisters, and targets.

Rulemaking Authority 373.044, 373.113, 373.1391(6) FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended 7-15-12, _____.

40D-9.260 Camping.

- (1) Camping is allowed on District Lands at designated sites by permit or Special Use Authorization only.
- (2) Camping using a motorized vehicle is allowed on District Lands only in camping sites designated for this purpose. The use of a motorized vehicle is subject to Rule 40D-9.270, F.A.C.
- (3) The District shall grant a permit for camping on District Lands subject to the following conditions:

(a) Camping permits are issued on a first come-first served basis to those registered on the District's website. Reservations must be made no later than 72 24 hours prior to the start of the camping permit. The number of camping permits issued per site is limited to the capacity of the site.

(b) Campers may arrive no earlier than 3 p.m. on the first day of the camping permit and must depart no later than 11 a.m. on the final day of the camping permit.

(c) ~~Where camping is authorized, overnight~~ ~~Overnight~~ camping or the presence of camping equipment is limited to no more than seven (7) consecutive days, after which the camper must leave the property for at least three (3) nights before returning for a new stay, unless authorized by Special Use Authorization. No person or entity may camp more than and thirty (30) total days per year on District lands where camping is authorized, unless authorized by Special Use Authorization.

(d) Permittees can hold no more than two (2) active camping permits within the reservation system at any given time.

(e) Camping is allowed outside of areas designated for camping only by Special Use Authorization.

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

(g) Between the hours of 10:00 p.m. and 7:00 a.m., music, barking dogs, or any other activities causing excessive noise are prohibited in camping areas. Generator use is only allowed in camping areas on District Lands from 7:00 a.m. to 10:00 p.m., unless authorized by Special Use Authorization. Generators are not to be left running unattended at any time.

(h) Within camping areas, animals permitted include equine animals and dogs on District lands where allowed. Animals must be leashed or tethered at all times while on District lands. Dogs are also subject to the terms of Rule 40D-9.190, F.A.C., at all times. Failure to follow rules regarding animals may result in ejection from District Lands. must remain on a 6ft leash at all times.

(i) Campers are limited to two dogs per camping reservation.

(j) Within camping areas, pet waste must be disposed of in waste bins, if provided, or removed by the owner. Equine animal manure within camping areas must be removed by owner/handler, or broken up and spread on site.

(k) Changing the registered name of a group or individual, or if the same individuals or the similar persons in a family group or camping rig make multiple advanced reservations, through any means, including the use of multiple user profiles, to circumvent the 7-day maximum or 30 day total annual length of stay is prohibited.

(4) Camping on District Lands, whether authorized by permit or Special Use Authorization, does not create a tenancy or any other interest in land.

(5) The District may revoke a camping permit if the permittee fails to comply with the rules in Chapter 40D-9, F.A.C., or any provision of a camping permit.

Rulemaking Authority 373.044, 373.113, 373.1391(6) FS. Law Implemented 373.1391, 373.59 FS. History--New 7-20-04, Amended 6-23-21, _____.

40D-9.280 Unauthorized Facilities or Structures.

(1) Constructing, erecting or maintaining any facility or any other structure of a permanent or semi-permanent nature on District Lands is prohibited unless authorized, ~~by a Special Use Authorization.~~

(2) Any unauthorized facility or structure discovered on District Lands shall be removed, ~~according to the following procedure:~~

~~(a) Upon discovery of the unauthorized facility or structure, District staff will post a notice on such facility or structure, for a period of 30 days, informing the owner that such facility or structure is not authorized on District Lands and that the owner must remove such facility or structure.~~

~~(b) The owner of an unauthorized facility or structure must remove such facility or structure within 30 days after the posting of the District notice.~~

~~(c) If the owner of the unauthorized facility or structure fails to remove such facility or structure within 30 days after posting of the District notice, the District will remove such facility or structure from District Lands or claim such facility or structure as District property. The District may seek reimbursement of costs for removal of any unauthorized facility or structure from the owner of such facility or structure.~~

Rulemaking Authority 373.044, 373.113, 373.1391(6) FS. Law Implemented 373.1391, 373.59 FS. History--New 7-20-04, _____.

40D-9.290 Use or Possession of Alcoholic Beverages on District Lands Prohibited.

The use or possession of alcoholic beverages on District Land is prohibited, except as authorized herein.

(1) The possession, sale, and use of alcoholic beverages may be allowed on District Land that is cooperatively managed by

another agency or local government when that agency or local government has adopted a rule or ordinance that allows the sale and use of alcoholic beverages in parks or facilities owned or managed by the agency or local government and makes such a request in writing. After-the-fact approval is not authorized.

(2) The rule or ordinance must, at a minimum, require \$1,000,000 liquor liability insurance, and the agency or local government must agree in writing to indemnify and hold the District harmless from any claims of liability resulting from events authorized by the agency or local government pursuant to its rule or ordinance at which alcoholic beverages are sold or used on District Land.

(3) If the conditions of subsections (1) and (2) are not met, the District shall deny a request by an agency or local government to allow the possession, sale, or use of alcoholic beverages on District Land.

Rulemaking Authority 373.044, 373.113, 373.1391(6) FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended 9-11-11, 6-23-21, _____.

40D-9.330 Special Use Authorization.

(1) A person or entity must obtain a Special Use Authorization to use District Lands for activities not specifically authorized by this chapter.

(2) For recreational activities specifically authorized by this chapter involving 25 or more participants, a Special Use Authorization must be obtained on behalf of the group. Group recreational activities authorized by this chapter involving fewer than 25 participants may require a Special Use Authorization.

(3) To receive a Special Use Authorization the applicant must provide reasonable assurance in writing that:

- (a) The requested use is natural resource-based,
 - (b) The requested use will not permanently alter District Lands or involve the placing of any structure or facility on District Lands,
 - (c) The requested use is consistent with the management plan for the District Lands involved,
 - (d) The requested use will not harm the environmental or historical 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 to the District,
 - (g) The requested use will not harm any dam, impoundment, works, water control structures, roads, or District-owned facilities or equipment,
 - (h) The requested use will not interfere with District water management, leased, licensed, or authorized uses of the land, and
 - (i) The requested use will not interfere with any other use allowed by the rules in this chapter.
- (4) The District shall impose upon any Special Use Authorization issued pursuant to this chapter such reasonable conditions as are necessary to assure that the use or activity authorized will meet the criteria set forth in this chapter.
- (5) Special Use Authorizations are issued on a first-come, first-served basis.
- (6) Issuance of Special Use Authorizations is subject to capacity considerations.
- (7) ~~(5)~~ Any person must apply for a Special Use Authorization according to the following procedure:
- (a) Submit request by email to: recreation@watermatters.org.

~~Land@swfwmd.state.fl.us, or by mail to:
Southwest Florida Water Management District
Operations and Land Management Bureau
2379 Broad Street
Brooksville, FL 34604-6899~~

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

1. Providing proof of liability and property damage insurance naming the District as an additional insured in an amount sufficient to cover the cost of the liability which is posed to the District, or
2. Providing waivers or releases of liability sufficient to eliminate the liability posed to the District.

(8) ~~(6)~~ Any person receiving a Special Use Authorization from the District must have the Special Use Authorization in their possession at all times while on District Lands.

(9) ~~(7)~~ Special Use Authorizations shall be subject to terms, conditions, and restrictions as may be prescribed therein. Failure to abide by all terms and conditions shall be a violation of the authorization and this chapter.

~~(10)~~ (8) The District shall revoke a Special Use Authorization if the grantee violates the authorization or engages in a use not specifically authorized.

~~(11)~~ (9) A Special Use Authorization does not eliminate the necessity to obtain any required federal, state, or local approval or permit prior to the start of any authorized use.

Rulemaking Authority 373.044, 373.113, 373.1391(6) FS. Law Implemented 373.1391, 373.59 FS. History—New 7-20-04, Amended 6-23-21,

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