

(9) “Facility” or “Structure” means any object placed on District lands intended to be permanently attached to the land, or which would be considered a fixture under Florida Law.

(10) “Firearms and similar devices” means shotguns, rifles, muzzle loading guns, pistols, revolvers, air guns, gas guns, blow guns, bows, crossbows, spear guns, or any other device capable of mechanically propelling an arrow, spear, or other projectile.

(11) “Historic property” or “historic resource” means any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value, or 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 historic or archaeological value, or any part thereof, relating to history, government, and culture of the state.

(12) “Mobility-impaired person” means a person who is permanently physically disabled by being either paraplegic, hemiplegic, or quadriplegic, permanently dependent upon a wheelchair for ambulation or permanently required to use assisting aids to walk, or having had a complete single-leg amputation above the knee.

(13) “Motorized vehicle” means any vehicle which travels over land on wheels and is partially or completely powered by a motor, as well as animal-drawn carriages and buggies.

(14) “Paintball equipment” means paint balls, paintball guns, refillable gas tanks, paintball gun propellant canisters, paintball targets, and any other device associated with paintball activities.

(15) “Public road” means any road, path, land, or trail designated by name, number or map for public motorized vehicle access.

(16) “Public Use Guide” is a District publication approved by the Governing Board that specifies the authorized public uses of District lands and the conditions applicable to those uses.

(17) “Recreational site” means an improved or unimproved site established to facilitate recreational use by the public.

(18) “Resource-based recreational purpose” means any outdoor activity that depends on natural resources and includes, but is not limited to, fishing, hunting, horseback riding, bicycling, swimming, camping, hiking, boating, diving, wildlife viewing and other passive recreation.

(19) “Seasonal road” means a road open to public motor vehicle use for hunting or other particular uses during a specific time period, or which may be closed due to periodic site conditions.

(20) “Special Use Authorization” means the granting of a privilege to use District lands for specified purposes and does not confer any property or possessory interest to the holder.

(21) “Survey” means a certified survey signed by a licensed land surveyor authorized to practice surveying in the State of Florida.

Rulemaking Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History—New 5-31-09.

40B-9.125 Scope and Applicability.

(1) District lands shall be managed and maintained, to the extent practicable, in a manner that ensures a balance between public access, general public recreational purposes, and restoration and protection of their natural state and condition. Part II of this chapter establishes how District lands may be accessed by the public, the allowed recreational uses on District lands, the manner in which these uses may be exercised, and uses that are prohibited on District lands.

(2) District lands are open to the public for lawful resource-based recreational purposes except as otherwise conditioned, restricted or prohibited by this chapter or unless such use is inconsistent with the purposes for which the lands were acquired, as provided in the District land management plan.

(3) Nothing in this chapter shall prevent any other federal, state, or local agency, including but not limited to, the entity contractually responsible for managing District lands, from requiring compliance with its rules, regulations, and/or laws to the extent of such entity’s legal authority.

Rulemaking Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History—New 5-31-09.

40B-9.126 Access to District Lands.

(1) District lands shall be open to the public during daytime hours only (one and one-half hour before sunrise to one and one-half hour after sunset) unless otherwise posted or authorized.

(2) Public motor vehicle access to District lands is only allowed at designated entrances.

(3) District lands may be accessed from any adjacent waterway or waterbody at any point, unless otherwise posted.

Rulemaking Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History—New 5-31-09.

40B-9.131 Public Use of District Lands.

(1) The District shall publish and make available to the public a “Public Use Guide” dated July 14, 2009, which summarizes allowed activities and use restrictions for each District property or land. The District’s Public Use Guide is hereby incorporated by reference. Copies of the District’s Public Use Guide may be obtained at the District’s headquarters and at the District’s website: www.srwmd.state.fl.us.

(2) Activities not authorized in this section, in the Public Use Guide, posted on the Land or specifically authorized under a Special Use Authorization or otherwise in writing by the District are expressly prohibited and subject to prosecution. Compliance with these rules does not preclude the need to also comply with State law and/or other applicable state and federal rules.

(3) The following activities are allowed subject to any conditions and/or restrictions specified herein:

(a) Bicycling is allowed on all District lands open to the public unless restricted by signage.

(b) Boating for recreation is allowed on all District-owned waterways provided:

1. Boats launched from trailers must use boat ramps.

2. Boats must not be operated in a manner which could harm persons, plants, animals, or other natural resources.

The District shall prohibit or restrict boating in specific areas as needed to ensure public safety, resource protection, and protection of District facilities or equipment, including limitations on engine horsepower, speed, or vessel type and shall be specific to a water body. Areas closed to boating and boating restrictions shall be posted by signage.

(c) Camping is only allowed on District lands at approved locations and as permitted by a Special Use Authorization issued by the District under Rule 40B-9.1411, F.A.C.

(d) Commercial activity on District lands may be allowed pursuant to prior written authorization in the form of an agreement or lease with the District. A person proposing any commercial activity on District lands must submit the following minimum information to the District:

1. Name and address of business;

2. Name and address of business owner or person responsible;

3. Type of activity to be conducted;

4. Statement justifying the need for the proposed commercial activity in order to facilitate public access and/or use of District lands for a resource-based recreational purpose;

5. Number of participants;

6. Dates and duration of the proposed activity; and

7. Signed statement committing to abide by all District requirements.

Any proposed commercial activity that will exceed one year in duration, require exclusive use of an area of land, or result in monetary consideration to the District, may only occur under a lease agreement approved by the Governing Board pursuant to Rule 40B-9.145, F.A.C.

The District will review the request for compatibility with the applicable land management plan and notify the applicant in writing. Requests to exclusively use a specific site that will impede the public’s use or for uses that will degrade the property will be denied.

(e) Dogs are allowed on District lands provided they are on a leash or caged at all times unless consistent with authorized uses in state wildlife management areas and federal wildlife refuges or specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C. Other types of domesticated animals, such as cats, are prohibited on District lands.

(f) Horseback riding is allowed on all District lands on marked equestrian trails and on all roads open to any public use except where such use is specifically prohibited by signage. Animal-drawn vehicles, such as wagons and buggies, are allowed on all public roads on District lands open to motorized vehicles. The person responsible for bringing equine onto District lands must have unexpired, written proof of a negative Coggins test result for each animal.

(g) Fishing for recreation is allowed on District lands as authorized by the Florida Fish and Wildlife Conservation Commission, unless otherwise posted.

(h) Group recreational, educational or public service uses are allowed on all District lands open to the public provided a Special Use Authorization is issued by the District under Rule 40B-9.1411, F.A.C.

(i) Hiking and other resource-based recreational purposes, such as photography, nature study, orienteering, are allowed on all District lands open to the public except where specifically prohibited by signage. For the purpose of this subsection, the term “hiking” includes jogging, wildlife viewing, or any other recreational activity where travel is by foot only and does not include another activity described in this chapter.

(j) Hunting for recreation is allowed in Florida wildlife management areas in accordance with applicable wildlife management area rules of the Florida Fish and Wildlife Conservation Commission, in United States national wildlife refuges subject to permit, and on District lands as designated and identified by signage. The District may allow hunting on lands not designated through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C.

(k) Motorized vehicle use is allowed on District lands on public use and seasonal roads and in other areas designated by signage. The use of motorized vehicles on District lands is subject to the following requirements:

1. All motorized vehicles must be licensed for use on Florida highways.
2. All motorized vehicle operators must be licensed as required by Florida law.
3. All motorized vehicle operators must comply with posted speed limits. If no speed limit is posted, the speed limit is 20 mph.
4. Under Section 316.192, F.S., driving a motorized vehicle in a willful and wanton disregard for the safety of persons or property is considered reckless driving. Pursuant to Section 316.1925, F.S., any person who drives a motorized vehicle 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. Failure to drive in such a manner is punishable under Section 316.655, F.S.
5. Emergency motorized vehicles on District lands are not restricted to roads open to the public or to the 20 mph or other posted speed limits.

(l) Picnicking is allowed on all District lands open to the public, unless otherwise posted.

(m) Research uses are allowed on all District lands provided a Special Use Authorization is issued by the District under Rule 40B-9.1411, F.A.C., and further provided that if the proposed use will close or restrict public access, a contract or lease with the District is required.

(n) Swimming is allowed on District lands only in areas designated by signage.

Rulemaking Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.093, 373.096, 373.099, 373.1391, 373.1401 FS. History—New 4-1-93, Amended 5-31-09, 7-21-10.

40B-9.132 Public Vehicle Use.

Rulemaking Authority 373.044, 373.59 FS. Law Implemented 373.59 FS. History—New 4-1-93, Repealed 5-31-09.

40B-9.133 Possession and Use of Firearms, Archery Equipment, Trapping Devices and Free-running Hunting Dogs.

Rulemaking Authority 373.1401, 373.044, 373.59, 810.09 FS. Law Implemented 373.1401, 373.59, 810.09 FS. History—New 4-1-93, Amended 8-7-96, Repealed 5-31-09.

40B-9.134 Trespass after Notice.

Rulemaking Authority 373.044, 373.59, 810.09 FS. Law Implemented 373.59, 810.09 FS. History—New 4-1-93, Repealed 5-31-09.

40B-9.138 Other Prohibited Activities.

Rulemaking Authority 373.044, 373.59 FS. Law Implemented 373.59 FS. History—New 4-1-93, Repealed 5-31-09.

40B-9.1381 Prohibited Activities.

The following activities are prohibited on District lands to the extent specified herein unless specifically authorized by the written terms of a Governing Board approved agreement or lease with any governmental entity or public or private utility or as part of a land management operation conducted by the District:

(1) Hunting or trapping animals, and releasing free-running dogs on District lands is prohibited except as provided in paragraph 40B-9.131(3)(h), F.A.C., above.

(2) The possession and/or use of alcoholic beverages on District land is prohibited.

(3) The disposal or discharge of any type of waste outside of designated waste collection facilities on District lands is prohibited.

(4) The disposal of oil, gasoline, or other hazardous substances on District lands is prohibited.

(5) Removing from or altering, destroying, or harming any animal, plant, soil, or mineral on District lands is prohibited, unless associated with:

(a) District authorized research efforts;

(b) Hunting and fishing activities specifically authorized under Part II of this chapter; or

(c) District initiated removals associated with reforestation, control of exotic or nuisance species, timber harvests, or other land management activities.

(6) The introduction or release of any seed, plant or animal on District lands is prohibited.

(7) Removal, alteration or destruction of historic resources on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C.

The District shall consult the Florida Department of State, Division of Historical Resources, prior to authorizing the removal, alteration or destruction of any archaeological or cultural resources on District lands. Any person who discovers historic resources on District lands shall immediately notify the District of such discovery.

(8) Scuba diving or the use of underwater breathing apparatus on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C. To receive a Special Use Authorization for scuba diving, in addition to meeting the criteria in Rule 40B-9.1411, F.A.C., the applicant must provide reasonable assurances that the dive is for a scientific or investigative purpose and the person performing the dive is certified for the type of dive to be performed. A person issued a Special Use Authorization to perform a dive on District land must submit a report upon completion of the dive informing the District of any scientific or historic evidence discovered during the dive.

(9) Taking off or landing aircraft on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C., or the result of a *bona fide* emergency.

(10) Use of all-terrain, off-road, or other motorized vehicles not licensed for Florida highway use on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C., unless associated with District authorized reforestation, exotic or nuisance species control, timber harvests, or other land management activities, or approved hunts managed by the Florida Fish and Wildlife Conservation Commission.

(11) The mooring of any boat on District lands for more than 24 consecutive hours is prohibited, unless otherwise indicated by signage.

(12) The destruction, removal or alteration of any District-owned facilities, vehicles or other property is prohibited. District-owned property includes, but is not limited to, water control structures, boardwalks, kiosks and other recreational facilities, scientific study plots, photo points, transect lines, survey markers, buildings, towers, recorders, gauges, signs, gates, fences and monuments.

(13) The use of archery equipment, animal traps, or other similar devices on District lands is prohibited unless specifically authorized for:

(a) Hunting activities as authorized under paragraph 40B-9.131(3)(j), F.A.C., above;

(b) District initiated land management activities; or

(c) A use specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C.

(14) The use of paintball guns, paintball markers, and any other paintball equipment on District lands is prohibited.

(15) The possession or discharge of any fireworks or explosives on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C.

(16) Distributing any handbills or circulars, or posting, placing or erecting any bills, notices, paper signs, advertising devices, or informational matter of any kind, excluding District or management agency notices, on District lands is prohibited.

(17) Igniting any fire on District lands is prohibited except for District authorized prescribed burns or fires specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C.

(18) Constructing, erecting or maintaining any facility or any other structure of a permanent or semi-permanent nature on District lands is prohibited unless specifically authorized by the District through a Special Use Authorization issued under Rule 40B-9.1411, F.A.C.

Any unauthorized facility or structure discovered on District lands shall be removed according to the following procedure:

(a) Upon discovery of an unauthorized facility or structure, the District will post a notice on such facility or structure for a period of 14 days, informing the owner that such facility or structure is not authorized and that the owner must immediately remove such facility or structure.

(b) If the owner of the unauthorized facility or structure fails to remove such facility or structure within 14 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.

(19) Any use of District lands not authorized by Part II of this chapter is prohibited.

Rulemaking Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1391, 373.1401 FS. History—New 5-31-09, Amended 7-21-10, 4-26-12.

40B-9.139 Use Fees.

The District shall publish and make available to the public a “Public Use Fee Schedule” which specifies charges for activities on District lands. The charges contained in the District’s Use Fees Schedule shall apply to the uses on District lands as specified therein. The Public Use Fee Schedule, effective January 12, 2010, is hereby incorporated by reference. Copies of the fee schedule and a list of designated properties may be obtained at the District’s headquarters or at the District’s website: www.mysuwanneriver.com.

Rulemaking Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.1391 FS. History—New 7-21-10.

40B-9.141 Special Use Licenses.

Rulemaking Authority 373.044, 373.59 FS. Law Implemented 373.59 FS. History—New 4-1-93, Repealed 5-31-09.

40B-9.1411 Special Use Authorizations.

(1) Persons may apply for Special Use Authorizations for public uses of District lands not specifically authorized in Part II of this chapter, the District’s Public Use Guide, and Rule 40B-9.131, F.A.C., provided the impacts from the requested use are consistent with the District’s Land Management Plan, and other applicable District policies. If the application is approved, a Special Use Authorization will be issued specifying the terms of the Authorization. If the application is denied, the applicant may appear before the District’s Governing Board at a regularly scheduled meeting.

(2) Persons who receive Special Use Authorizations must have the authorization in their possession at all times while on District lands. Failure to comply with the terms of the authorization is grounds for revocation of the authorization and denial of future authorizations.

(3) To receive a Special Use Authorization, the applicant must provide reasonable assurance that the requested use:

- (a) Is natural resource-based;
- (b) Will not permanently alter District lands;
- (c) Is consistent with the management of the District lands involved;
- (d) Will not harm the environmental or historical resources of the District lands;
- (e) Will not cause unreasonable expense to the District;
- (f) Will not create a substantial risk of liability to the District;
- (g) Will not harm any dam, impoundment, works, water control structures, roads, or District owned facilities or equipment;
- (h) Will not interfere with District leased, licensed, or authorized uses of the land; and
- (i) Will not interfere with any other use allowed by Part II of this chapter.

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.

(4) The Governing Board hereby delegates to the Executive Director, Deputy Executive Director and Senior Land Resources Manager, the authority to issue, deny or revoke Special Use Authorizations pursuant to this section.

(5) Any person may apply for a Special Use Authorization according to the following procedure:

(a) Submit an oral or written request addressing the reasonable assurances required by this section to Suwannee River Water Management District Land Acquisition and Management Department at (386) 362-1001 or 1(800) 226-1066 (Florida only) or 9225 County Road 49, Live Oak, FL 32060, or complete a pre-approved authorization obtained from a District kiosk on the property.

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

1. Providing proof of liability and property damage insurance naming the District as an additional insured party in an amount sufficient to cover the cost of the liability posed to the District; or

2. Providing waivers or releases of liability sufficient to eliminate the liability posed to the District.

(c) The application shall be reviewed by the Land Acquisition and Management Department for compliance with the criteria listed in this section and a recommendation regarding the application forwarded to the Deputy Executive Director.

(d) If the requested use satisfies all of the criteria set forth in this section, authorized District staff shall issue the Special Use Authorization.

(e) If the requested use does not meet the criteria set forth in this section, authorized District staff shall deny the Special Use Authorization application.

(6) Authorized District staff shall revoke a Special Use Authorization if the person authorized does not obtain all other required federal, state, or local approvals or permits prior to the start of any District authorized use.

Rulemaking Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.096, 373.099, 373.1359, 373.1391, 373.1401 FS. History–New 5-31-09.

40B-9.142 Easements.

(1) The granting of a license or easement for ingress and egress or other rights-of-way will be considered only when there exists a *way of necessity* as defined in Section 704.01, F.S., or it will benefit the general public.

(2) Where there is no associated clear way of necessity, the right requested must not conflict with the purposes for which the District lands were acquired. Prior to consideration, the following information must be submitted to the District:

(a) A map or aerial photograph at a scale of at least 1:24,000 showing the proposed route and, if applicable, an outline of the property to be benefited;

(b) A complete description of the route, including dimensions, and its intended use;

(c) A description of any practical alternative routes; and

(d) A copy of the deed by which the applicant acquired title to the property to be benefited, if applicable, and any evidence of a claim of right. If a right-of-way is granted, it shall be described and conveyed in the most limited form that meets the intended purpose.

(3) Easements must be approved and executed by the Governing Board. The conveyance of any easement by the District shall require payment by the applicant of the fair market value as determined by any of the following:

(a) A real estate appraisal performed by a licensed real estate appraiser or by the District's Staff Appraiser, or the fee value for bare land as documented in an acquisition appraisal and adjusted by an appropriate market index for the period since the District's acquisition; and

(b) Payment of any reasonable administrative, survey, and legal costs.

Rulemaking Authority 373.044, 373.083, 373.1391 FS. Law Implemented 373.056, 373.085, 373.088, 373.093, 373.099, 373.1391, 373.1401 FS. History–New 5-31-09.

40B-9.145 Leases.

(1) The District may grant a lease to use District land only when the purpose of the lease is consistent with the District's land management plan and in compliance with the requirements of Section 373.093, F.S. The scope of any lease to use District land shall be restricted to the minimum necessary to conduct the proposed activity. The lease shall include such terms and conditions as are considered to be in the best interest of the District.