

CHAPTER 62D-2 OPERATION OF DIVISION RECREATION AREAS AND FACILITIES

62D-2.001	Definitions. (Repealed)
62D-2.002	Vehicles and Traffic. (Repealed)
62D-2.003	Park Property. (Repealed)
62D-2.004	Recreation Activities. (Repealed)
62D-2.005	Camping and Cabins. (Repealed)
62D-2.006	Nuisances. (Repealed)
62D-2.007	Behavior. (Repealed)
62D-2.008	Merchandising, Advertising, and Signs. (Repealed)
62D-2.009	Sanitation. (Repealed)
62D-2.010	Miscellaneous. (Repealed)
62D-2.011	John Pennekamp Coral Reef State Park. (Repealed)
62D-2.012	Citizen Support Organizations. (Repealed)
62D-2.013	Park Property and Resources.
62D-2.014	Activities and Recreation.

62D-2.013 Park Property and Resources.

(1) Objective. All state parks have been established for the protection and preservation of their natural features or historic significance and for public use and enjoyment of the areas and facilities. The objective of these rules is to provide maximum public use consistent with the preservation of the natural features and historic value. State parks include all real property in the State of Florida under the jurisdiction of the Florida Department of Environmental Protection, Division of Recreation and Parks, or which may come under its jurisdiction regardless of the property's designation. Among the designations included in the state park system are state park, state recreation area, state archaeological site, state historic site, state geological site, state botanical site, state preserve, state garden, state museum, state reserve, state cultural site, state wildlife park, state folk culture center, and state trail. For purposes of this chapter, Department shall mean the Department of Environmental Protection, and Division shall mean the Division of Recreation and Parks of the Department.

(2) Removal or Destruction of Park Property and Resources. No person shall destroy, injure, deface, mar, move, dig, harmfully disturb or remove from any park area, or the waters thereof, any buildings, structures, facilities, historic ruins, equipment, park property, soil, sand, gravel, rocks, stones, minerals, marine plants or animals, artifacts, or other materials. No person shall cut, carve, injure, mutilate, move, displace, or break off any water bottom formation or growth. Nor shall any person possess, break off, or in any way damage any stalactites, stalagmites or other cave formations. No rope, wire, or other contrivance whether permanent or temporary, shall be attached to any natural feature or property within a park.

(3) Fires. No person shall ignite or attempt to ignite any fire against or on any vegetation or park structures, except in designated fireplaces or grills. No person shall dispose of burning matches, smoking materials or other inflammable items within any park except in designated receptacles. Prescription burning shall be conducted by the Division where appropriate for the restoration, maintenance and preservation of certain plant communities.

(4) Plant Life.

(a) All plant life, terrestrial, aquatic, and aerial, is the property of the State of Florida. No person shall cut, carve, or damage the bark, or break off limbs or branches or mutilate in any way, or pick the flowers or seeds of any plant or tree. Nor shall any person dig in or otherwise disturb grass areas or in any other way impair the natural condition of any area; nor shall any person place debris or materials of any kind on or about any tree or plant.

(b) No person shall transplant or remove any plant life from any park, except as provided herein. The Division shall control invasive exotic plants where appropriate for the restoration, maintenance, and preservation of native plant communities.

(5) Animal Life.

(a) No person shall possess, molest, harm, frighten, kill, trap, hunt, chase, capture, shoot or throw any object at any mammal, bird, reptile, amphibian, or any other animal except as provided for in paragraph (d) below; nor shall any person remove the eggs, nest or young of any such animal; nor shall any person collect, remove, possess, give away, sell or offer to sell, or buy or offer to buy, or accept as gift, any specimen, alive or dead, of the groups of tree snails. The public is prohibited from killing, capturing, or molesting poisonous snakes. Park personnel are authorized to remove poisonous snakes from public areas of parks.

(b) No person shall feed or attempt to pet any wild animal.

(c) No person shall capture, collect, or in any way harm any animal life, except fish commonly referred to as edible or game species or as otherwise provided herein.

(d) Hunting and fishing in reserves may be allowed where substantial fish and wildlife habitat and resources exist. Management activities which maintain a natural diversity of plant and animal species will be encouraged. All fishing and hunting will be in accordance with subsections 62D-2.014(9) and (10), F.A.C. Hunting is prohibited in all state parks, state recreation areas, state archaeological sites, state historic sites, state geological sites, state botanical sites, state preserves, state museums, state cultural sites, state wildlife parks, state folk culture centers, state trails and state gardens.

(6) Introduction of Species. No person shall introduce into any park any plant or animal species by willful abandonment, negligence or for any other reason without authorization of the Division. Authorization shall be granted when the Division determines that the activity is consistent with park management practices as stated in Sections 258.004, 258.007, 258.017 and 258.037, Florida Statutes, and in keeping with protection, restoration, and maintenance of natural resources. Authorization may be obtained only by submitting a written request to the Division of Recreation and Parks, MS 500, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(7) Collection of Specimens. A permit must be obtained for the collection of natural objects, including plant and animal life and minerals. A permit shall be issued if such collection is for scientific or educational purposes; and the Division determines that it provides some benefit to the Division for management purposes (such as provision of a copy of the scientific report generated to the Division); is not harmful to park resources; and is consistent with park management practices as stated in Sections 258.004, 258.007, 258.017 and 258.037, Florida Statutes. Collection shall be conducted in compliance with the terms of the written permit. Permits shall be applied for by submitting a written request to the Division of Recreation and Parks, MS 500, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(8) Construction Activity. No person shall commence or conduct any construction activities upon any land or water areas under the jurisdiction of the Division, without first obtaining authorization from the Division. Authorization shall be granted only in cases where the construction activity is consistent with park management practices as stated in Sections 258.004, 258.007, 258.017 and 258.037, Florida Statutes, and in keeping with protection, restoration, and maintenance of natural resources. Authorization may be obtained only by submitting a written request to the Division of Recreation and Parks, MS 500, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(9) Public Utilities. Public utilities serving park property or traversing park property shall be designed, constructed and maintained as follows:

- (a) Rights-of-way shall be as narrow as utility regulations permit, and kept free of invasive non-native plant species,
- (b) Maintenance (trimming or removal) of vegetation shall occur no more often than minimally required for safe utilities transmission,
- (c) Small trees, shrubs and other vegetation shall be left undisturbed except that a fifteen foot wide service road may be mowed, within the right-of-way,
- (d) Trees that will interfere with power lines shall be cut or trimmed only as authorized by the park manager,
- (e) Large volunteer trees that are threatening buried gas lines shall be cut only as authorized by the park manager,
- (f) Easements crossing fire adapted plant communities shall be burned the same as the adjacent community,
- (g) The utility company maintenance foreman shall consult with the park manager prior to undertaking routine maintenance to insure that only minimum trimming is accomplished, and
- (h) Only herbicides approved by the park manager shall be used. The application of herbicides shall be confined to the utility easement and not adversely affect adjacent park resources.

Specific Authority 258.007(2) FS. Law Implemented 258.004, 258.007(2),(3),(4), 258.017, 258.037, 258.083 FS. History—New 4-16-96, Amended 4-14-98, 12-19-99.

62D-2.014 Activities and Recreation.

(1) Regulation of Recreation Activities. The Division, in furtherance of the policy and intent of Chapter 258, Florida Statutes, may prohibit or regulate any activity that lessens the safety or recreational experience of the visiting public or lessens the natural or cultural value of the park. Except as provided herein, all recreational activities will occur at such locations as designated for specific uses by the Division.

(2) Park Entrance Rules and User Fees.

(a) Entering State Park Property. Entering or leaving any state park property except through the designated entrance points (except in emergency cases) is prohibited. No person may enter a state park property for the purpose of using the resources or facilities therein without paying the appropriate fee, if any, in effect at the time for that park property. A full stop shall be made at the Ranger Station when entering a state park.

(b) Fees. Admission fees shall be waived by authorized Division personnel for representatives of any government agency and for salesmen, tradesmen or other individuals who will benefit the park or state park system and who present proper identification. Admission fees shall also be waived for:

- 1. Children under six years of age;
- 2. Patients of Florida State Mental Institutions and clients of the Department of Juvenile Justice and the Department of Children and Family Services, and other similar institutions which are fully funded by federal, state, or local government, when such patients and/or clients are part of an organized group or program under the sponsorship and supervision of their respective institutions or parent agencies;
- 3. Florida school groups, including vocational schools, colleges and universities, accompanied by one or more teachers, and bearing a letter from the school principal, professor or other appropriate official, certifying that the park visit is related to a specific school curriculum and is for educational purposes rather than a purely recreational outing;
- 4. Division employees and their families;

5. The Division also offers a fifty percent discount on base camping fees to Florida citizens who are at least 65 years of age or Florida citizens possessing a current Social Security disability award certificate or proof of a 100% disability award from the Federal government or other acceptable proof of 100% disability.

(c) The Division Director shall recommend standard admission and other park fees, taking into consideration the following factors:

1. User demand;
2. Location of the park, including distance from major metropolitan areas;
3. Cost of managing and operating the park;
4. Type of facilities available;
5. Season; and
6. Natural and historic resource values of the park.

(d) User fees shall become effective after they are advertised in a general statewide news release, and, if requested, reviewed at a public hearing, and approved in writing by the Secretary of the Department. Copies of the current fee schedule may be obtained from State Park offices or by writing to the Division at MS 500, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(3) Traffic Control. Authorized law enforcement officers and park personnel shall direct traffic in parks and on roads adjacent thereto as conditions warrant. All persons shall comply with lawful orders, signals, and direction of such officers and personnel. All persons shall observe and comply with posted traffic control devices and signs.

(4) Speed of Vehicles in Parks. No person shall drive a vehicle at a speed greater than is reasonable or prudent, having due regard for the surface, width and condition of paving and the traffic thereon, particularly when near children or bicyclists. Speed shall not exceed 25 miles per hour, and at the more congested centers and near park buildings, beaches, campgrounds, and picnic and play areas, it shall not exceed 15 miles per hour or as otherwise posted.

(5) Restriction to Roads. No person shall drive any vehicle on any area except designated roads, parking areas, or other such designated areas.

(6) Parking. All vehicles shall be parked only in established parking areas or in such other areas and at such times as the Division may designate.

(7) Bathing and Swimming.

(a) No individual shall swim, bathe, or wade in any waters at such places designated as prohibited for such activity by the Division. All such activities shall be in compliance with this chapter.

(b) In every area of a park including bathing areas no individual shall expose the human, male or female genitals, pubic area, the entire buttocks or female breast below the top of the nipple, with less than a fully opaque covering.

(8) Boating.

(a) No person shall operate watercraft regardless of means of propulsion upon any park watercourse, bay, lagoon, lake, canal, pond, slough, or those sovereign submerged lands lying within 400 feet of the Mean High Water or Ordinary High Water Line within the riparian lines of any state park unit in places designated by the Division as closed for such purposes.

(b) No watercraft shall be launched into or removed from any park waters, except at places designated for such purpose by the Division.

(c) No person shall moor, anchor or tie up to any buoy, marker, bank or any wharf, dock, tree, building or other object or structure on the bank, any watercraft of any kind in waters within or contiguous to park areas within one hundred feet of the shoreline, in areas designated by the Division as closed for such purposes. This restriction does not apply to vessels of a law enforcement agency of a local, state, or federal government.

(d) No person other than a Division employee or a concessionaire of the Division shall rent or hire, for profit or charge, any kind of watercraft in any park waters. Nor shall any watercraft operating for hire or carrying passengers for a fee, or contemplating such, land or receive such passengers at any dock, wharf or anchorage within jurisdiction of the Division except by permit. Permits shall be issued only when no concession agreement exists or when the concessionaire does not wish to provide the services requested. Permits shall be issued when it is determined by the Division that the request to provide this service would not adversely affect park resources, would be consistent with park management practices as stated in Sections 258.004, 258.007, 258.017 and 258.037, Florida Statutes, and would provide a needed visitor service. Permits shall be applied for in the same manner as in subsection 62D-2.013(7), F.A.C., herein.

(e) No person operating passenger launches or excursion boats from outside the parks that are for rent or hire or carrying passengers for money shall land or anchor or tie up in any park without first having applied for and received a permit from the Division. Permits shall be issued when it is determined by the Division that the request to provide this service would not adversely affect park resources, would be consistent with park management practices as stated in Sections 258.004, 258.007, 258.017 and 258.037, Florida Statutes, and would provide a needed visitor service. Permits shall be applied for in the same manner as in subsection 62D-2.013(7), F.A.C., herein. All persons operating such watercraft shall be subject to all Division boating rules.

(9) Fishing.

(a) Fishing is allowed in park waters, by any legal method, except where prohibited by the Division and under the provisions of this chapter. Any device which is employed to remove, capture, or attempt to capture fish in any waters closed to fishing or any device otherwise used in violation of this chapter shall be seized and confiscated by law enforcement officers.

(b) Under the provisions of this chapter commercial fishing for food and bait fish is allowed in the John Pennekamp Coral Reef State Park, St. Lucie Inlet State Park and those sovereign submerged lands lying within 400 feet of the Mean High Water or Ordinary High Water Line within the riparian lines of any state park unit under Division jurisdiction, except as prohibited in subsection 62D-2.014(1), F.A.C.

(c) All fishing in John Pennekamp Coral Reef State Park is subject to Florida Fish and Wildlife Conservation Commission Rule 68B-5.002, F.A.C., and provisions of Rule 62D-2, F.A.C.

(d) Spearfishing is prohibited in all state parks.

(10) Hunting and Firearms. Hunting, trapping or the pursuit of wildlife is prohibited on all park property, except in Reserves, as authorized by the Florida Fish and Wildlife Conservation Commission. No person shall use, carry, or possess in any park weapons such as firearms of any type, air rifles, spring guns, bows and arrows, gigs (except in areas where gigs may be legally used for saltwater fishing), sling shots, or any other forms of weapons or trapping devices potentially dangerous to wildlife or human safety except when such weapons or traps are used for resource management purposes as authorized in this subsection. Shooting into park areas from beyond park boundaries is prohibited. Any device which is employed to kill, immobilize, or capture any wildlife or any device otherwise used in violation of this chapter shall be seized and confiscated by law enforcement officers. The Division may authorize the control of nuisance animals and may remove all exotic animals from parks by trapping and other necessary means for park resource management purposes. Such authorization shall be in the form of a license, permit, or contract negotiated by the parties or made pursuant to an advertised bid by the Division. Authorization may be obtained in the same manner as stated in subsection 62D-2.013(7), F.A.C., herein.

(11) Subleases of Certain Properties. The Division may sublease certain properties, or portions thereof, to other state, county or local governmental agencies for management purposes subject to approval by the Board of Trustees of the Internal Improvement Trust Fund in accordance with Section 253.034(4), Florida Statutes. The terms and conditions of the sublease shall control the use and management of the property.

(12) Alcoholic Beverages. Consumption of alcoholic beverages is prohibited except in restaurants and lodges that provide sales of such alcohol, and during park-sanctioned events such as special events, within designated areas only.

(13) Domestic Animals.

(a) Domestic animals shall be regulated in parks at any time when appropriate to enhance the recreational experience of other visitors or to protect the parks' resources.

(b) Domestic breeds of dogs, cats and other fur-bearing pets, except dog guides, service dogs and nonhuman primates of the genus *Cebus*, which are trained and registered for assisting the physically impaired, shall be excluded from the following places in a park: food-service areas, designated camping areas, cabins, bathing and swimming areas including land and water portions, park buildings, playgrounds, and other designated areas. Pets are permitted in all other areas subject to the following restrictions:

1. All pets must be confined, leashed, or otherwise under the physical control of a person at all times. Leashes may not exceed six feet in length. This rule does not apply to horses and pack animals brought in for equestrian trail use.

2. Pets must be well behaved at all times. Pets must be confined in the owner's camping unit during designated quiet hours. Unconfined pets may not be left unattended for more than 30 minutes and must be leashed.

3. Pet owners shall pick up after their pets and properly dispose of all pet droppings in trash receptacles.

4. Pets which are noisy, vicious, dangerous, disturbing or intimidating to other persons, and pets which damage park resources are considered to be nuisances and will not be permitted to remain in the park.

(c) Camping areas and other park areas will be evaluated, as to the suitability of pets, on a periodic basis. Areas of the park designated as prohibited for pets shall be determined based on park natural and cultural resources, primary recreational activities, camper and pet health and safety, geographical location and layout of camping areas, and the ability to provide a quality recreational experience for all visitors.

(14) Merchandising. No person shall offer for sale any article or material, nor place any stand, cart, or vehicle for the transportation, sale or display of any article or material for sale within any state park unless authorized by the Division. Authorization shall be issued when park resources are not adversely affected, existing contractual relationships are not impaired, a needed visitor service is provided, and the activity would be consistent with park management practices as stated in Sections 258.004, 258.007, 258.017 and 258.037, Florida Statutes. Authorizations may be obtained in the same manner as stated in subsection 62D-2.013(7), F.A.C., herein.

(15) Aircraft. No person operating or responsible for any aircraft, glider, balloon, parachute, or other aerial apparatus shall cause any such apparatus to take off from or land in any park except in an emergency when human life is endangered or where a designated landing facility may exist on park property.

(16) Hours.

(a) The opening and closing hours for each park shall be posted. No person shall remain in any park after closing unless properly registered as an overnight visitor or in possession of a valid after hours permit from the Division or park manager. Said permits may be obtained from the park office where such after hours use is offered.

(b) The Division, in furtherance of the park management practices as stated in Sections 258.004, 258.007, 258.017 and 258.037, Florida Statutes, may close any park or section thereof to the public at any time and for any interval of time, either temporarily or at regular stated intervals and either entirely or only for certain uses. Park closures will be used to provide visitor and employee safety, resource protection, operational efficiency, and facility maintenance. No person shall remain in any closed park or

section thereof, unless authorized by the Division or park manager, or their delegee. Verbal authorization shall be granted by the Division, the park manager, or their delegee, when it is in the best interest of the park, or of the person remaining in the closed area, for safety, protection, construction, or restoration purposes.

(17) Photography. Private and commercial photography are allowed in state parks, except that commercial photography, such as motion picture productions, shall require a contract with the Division if they will disrupt normal park operations, adversely impact the park's resources, or disrupt the public's normal enjoyment of the park. Such activities shall be designed to avoid alteration of an irreplaceable natural resource, take of a threatened or endangered species, or disruption of wildlife habitat, foraging, nesting or resting areas. The terms of the contract shall be negotiated with the Division and must result in a net positive benefit to the park, including reasonable compensation for use of public lands. This subsection is not intended to, and shall not, impair any constitutional right of free speech.

(18) Free Speech Activities. Free speech activities include, but are not limited to, public speaking, performances, distribution of printed material, displays, and signs. Free speech activities do not include activities for commercial purposes. Any persons engaging in such activities can determine what restrictions as to time, place, and manner may apply, in any particular situation, by contacting the park manager. Free speech activities shall not create a safety hazard or interfere with any other park visitor's enjoyment of the park's natural or cultural experience. The park manager will determine the suitability of place and manner based on park visitor use patterns and other visitor activities occurring at the time of the free speech activity.

Specific Authority 258.007(2) FS. Law Implemented 258.004, 258.007(1), (2), (3) 258.014, 258.016, 258.017, 258.037 FS. History—New 4-16-96, Amended 4-14-98, 12-19-99, 10-29-03.