



*Excavation Site on Hogtown Creek*

Fossil hunting and collecting has led to an increase in cases of trespassing on private property and in damage to Gainesville's creek system. The complex rules and regulations surrounding environmental protection, fossil collecting, and property rights have created confusion among property owners and fossil collectors.

This pamphlet is intended to serve as a brief guide to state statutes and local ordinances that are intended to protect natural and historical resources and property rights. The pamphlet discusses:

- State and local rules on fossil and artifact collecting
- Basic rules on protection of creeks and water resources
- Basics on property rights in relation to creeks and limits to uses
- Contacts for reporting trespassing or damage to creeks

## Support Resources

### **Alachua County Environmental Protection Department**

County staff actively enforces creek protection and responds to citizen complaints or concerns regarding impacts from digging or excavating.

Phone: 352-264-6800

Email: [feddleton@alachuacounty.us](mailto:feddleton@alachuacounty.us)

Web: [AlachuaCountyWater.org](http://AlachuaCountyWater.org)

### **Gainesville Police Department**

GPD responds to complaints of trespassing. If someone is accessing your property without your permission and you feel that you are in danger call 911. If you are not in immediate danger please use the contact information below.

Non-emergency Phone: 352-955-1818



# Creeks, Fossil Hunting, and Your Rights

*A property owner's guide to regulations and rights surrounding creek protection and fossil collection.*



Creeks, Fossil Hunting, and  
Your Rights  
408 W. University Ave Ste 106  
Gainesville, FL 32601



## Access to Creeks

The majority of the creek system is on private property or park lands.

Creeks that are on private property may only be accessed with permission from the property owner.

Accessing private property without permission is trespassing. Properties owned by the City of Gainesville or Alachua County, including public parks, all prohibit wading within creeks. Accessing or wading in creeks within park lands is illegal.



Bank erosion due to excavation on Hogtown Creek

## Environmental Protections for Creeks

The State of Florida, Alachua County, and the City of Gainesville Protect Creeks.

- Ch. 373 of the Florida Statutes: While a creek may physically exist on private property, Florida protects “any and all water on or beneath the surface of the ground” (Ch. 373 Florida Statutes) including creeks. This protection includes water and creeks that are located on private property.
- Ch. 77 of the Alachua County Water Quality Code prohibits excavation in surface waters (creeks) and wetlands. This includes the banks of our local creeks in the incorporated and unincorporated parts of the County.
- Sec. 30-8.20 of the City of Gainesville Land Development Code states: there shall be no disturbing plants or soil in, on or over a surface water or wetland, or within 35ft of the break in slope of the top of bank of creeks.

No person, including private property owners, may damage, alter, or impact the creek system.

## Confusion over “Navigable Waters”

**Creeks in Gainesville and Alachua County are not considered “navigable.”**

Article 10 section 11 of the Florida Constitution retains ownership of navigable waters with the State. “Navigable waters” are determined by whether the waterway was potentially useful for public commerce in 1845. The State of Florida has determined that the creeks within the City of Gainesville do not meet this criteria.

## Rules for Fossil Collecting

Fossil and artifact collecting is prohibited in many cases.

The State of Florida restricts excavations and collecting of fossils and artifacts on State owned land and both Alachua County and the City of Gainesville prohibit collecting fossils and artifacts on their properties. No fossil collecting of any type is allowed inside the boundaries of state parks or wildlife refuges. Fossil collectors should check with the land manager or property owner if they are interested in collecting fossils on their property.

Landowners may collect some types of fossils or give permission to others to collect fossils on their property\* however, fossil collecting may not result in damage to the creek system.

\*Florida Geological Survey: <https://floridadep.gov/fgs/>