



976832

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2009	.	
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The Committee on General Government Appropriations (Aronberg) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 730 and 731  
insert:

Section 10. Subsection (3) of section 403.9323, Florida Statutes, is amended to read:

403.9323 Legislative intent.—

(3) It is the intent of the Legislature to provide waterfront property owners their riparian right of view, and other rights of riparian property ownership as recognized by s. 253.141 and any other provision of law, by allowing mangrove



976832

12 trimming in riparian mangrove fringes without prior government  
13 approval when conducted in conformance with the provisions of  
14 ss. 403.9321-403.9333 and the trimming activities will not  
15 result in the removal, defoliation, or destruction of the  
16 mangroves.

17 Section 11. Present subsections (1) through (6) of section  
18 403.9324, Florida Statutes, are redesignated as subsections (2)  
19 through (7), respectively, a new subsection (1) is added to that  
20 section, and present subsections (1) and (4) of that section are  
21 amended, to read:

22 403.9324 Mangrove protection rule; delegation of mangrove  
23 protection to local governments.-

24 (1) The department may adopt rules providing for exemptions  
25 and general permits authorizing activities that have, singularly  
26 or cumulatively, a minimal adverse effect on the water resources  
27 of the state. This subsection does not grant the department the  
28 authority to adopt rules for the exemptions and general permits  
29 provided in ss. 403.9326 and 403.9327.

30 (2)~~(1)~~ Sections 403.9321-403.9333 and any lawful  
31 regulations adopted in accordance with this section by a local  
32 government that receives a delegation of the department's  
33 authority to administer and enforce the regulation of mangroves  
34 as provided by this section shall be the sole regulations in  
35 this state for the trimming and alteration of mangroves on  
36 privately or publicly owned lands. All other state and local  
37 regulation of mangrove is as provided in subsection (4) ~~(3)~~.

38 (5)~~(4)~~ Within 45 days after receipt of a written request  
39 for delegation from a local government, the department shall  
40 grant or deny the request in writing. The request is deemed



976832

41 approved if the department fails to respond within the 45-day  
42 ~~time~~ period. In reviewing requests for delegation, the  
43 department shall limit its review to whether the request  
44 complies with the requirements of subsection (3) ~~(2)~~. The  
45 department shall set forth in writing with specificity the  
46 reasons for denial of a request for delegation. The department's  
47 determination regarding delegation constitutes final agency  
48 action and is subject to review under chapter 120.

49 Section 12. Subsection (5) of section 403.9329, Florida  
50 Statutes, is amended to read:

51 403.9329 Professional mangrove trimmers.-

52 (5) A professional mangrove trimmer status granted under  
53 ss. 403.9321-403.9333 or by the department may be revoked by the  
54 department for any person who is responsible for any violations  
55 of ss. 403.9321-403.9333 or any adopted mangrove rules.

56 Section 13. Subsection (3) is added to section 403.9331,  
57 Florida Statutes, to read:

58 403.9331 Applicability; rules and policies.-

59 (3) Pursuant to s. 403.9323(2), the provisions of ss.  
60 403.9321-403.9333 do not allow the trimming of mangroves on  
61 uninhabited islands that are publicly owned or on lands that are  
62 set aside for conservation and preservation or mitigation,  
63 except where necessary to protect the public health, safety, and  
64 welfare or to enhance public use of, or access to, conservation  
65 areas in accordance with approved management plans.

66  
67 ===== T I T L E A M E N D M E N T =====

68 And the title is amended as follows:

69 Delete line 49



976832

70 and insert:  
71 violators; amending s. 403.9323, F.S.; clarifying  
72 legislative intent with respect to the protection of  
73 mangroves; amending s. 403.9324, F.S.; authorizing the  
74 Department of Environmental Protection to adopt by  
75 rule certain exemptions and general permits under the  
76 Mangrove Trimming and Preservation Act; amending s.  
77 403.9329, F.S.; clarifying the department's authority  
78 to revoke a person's status as a professional mangrove  
79 trimmer; amending s. 403.9331, F.S.; providing that  
80 the Mangrove Trimming and Preservation Act does not  
81 authorize trimming on uninhabited islands or lands  
82 that are publicly owned or set aside for conservation  
83 or mitigation except under specified circumstances;  
84 amending ss. 712.03 and 712.04, F.S.;