



FLORIDA DEPARTMENT OF Environmental Protection

South District Branch Office
2796 Overseas Highway, Suite 221
Marathon, FL 33050
SouthDistrict@FloridaDEP.gov

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

April 6, 2022

URUBO CAPITAL LLC
280 Las Brisas Ct.
Coral Gables, FL 33143

BARBARA SCHEU
298 Buttonwood Shores Dr.
Key Largo, FL 33037

STINNETT FAMILY TRUST 06/09/2003
C/O RENE K STINNET TRUSTEE
296 Buttonwood Shores Dr.
Key Largo, FL 33037

DUTCH DRIFTER LLC
C/O GEMRT & CO, LLP
2600 Douglas Rd, Suite 800
Coral Gables, FL 33134

PEDRO AND CANDELA ARMSTRONG
292 Buttonwood Shores Dr.
Key Largo, FL 33037

Re: Compliance Assistance Offer
Site No. 417948 / Project No. 402040
Florida Bay, Class III Outstanding Florida Waters
Uninhabited mangrove island offshore of the following parcels - 00523360-
000000; 00522770-000000; 00522780-000000; 00522790-000000;
00522800-000000
Monroe County – SLERC

To whom it may concern:

On February 16, 2022, Florida Department of Environmental Protection (Department) staff conducted a permit application inspection at your property. During this inspection, staff noted activities that may not be in compliance with Chapter/Section(s) 403.9321-403.9333, 403.161(1), and 373.430(1), Florida Statutes (F.S.), and Rule 62-330.020(2), Florida Administrative Code (F.A.C.). The Department would like to bring this to your immediate attention and work with you to remediate the situation through this Compliance Assistance Offer, without formal enforcement.

Please see the attached inspection report for a full account of Department observations and recommendations.

The Department is not pursuing formal enforcement for the above-described non-compliance, provided you:

- 1. Cease all trimming and/or alteration of mangroves, and conduct any future works involving mangroves in accordance with the 1996 Mangrove Preservation and Trimming Act (enclosed).**
- 2. Obtain Department authorization prior to conducting any future mangrove trimming and/or alteration at the site.**

Please be advised that Section 403.9323, Florida Statutes, states, “It is the intent of the Legislature that no trimming or alteration of mangroves may be permitted on uninhabited islands which are publicly owned or on lands set aside for conservation and preservation, or mitigation, except where necessary to protect the public health, safety, and welfare, or to enhance public use of, or access to, conservation areas in accordance with approved management plans”.

It is the Department’s desire that you comply with this request concerning the possible non-compliance so that this matter can be closed without enforcement.

Please receive this as a notice for future projects similar in nature. If further non-compliance is found at this site or an on-going pattern of non-compliance at this site is documented, appropriate enforcement action will be taken against the responsible party. Please be advised that this letter is part of an agency investigation, preliminary to any agency action deemed necessary in the future in accordance with Section 120.57(5), F.S.

Please address your response and any questions to McKenzie Fraley of the South District -Marathon Branch Office at (305) 289 – 7079 or via e-mail at Mckenzie.Fraley@FloridaDEP.gov for assistance. We look forward to your cooperation with this matter.

Sincerely,



Jennifer L. Carpenter
Asst. Director of District Management
South District Office

Enclosures: Inspection Report (with attachments I and II)
 1996 Mangrove Trimming and Preservation Act
 Mangrove Trimming Guidelines for Homeowners

cc: timmatthewstree@gmail.com



Florida Department of Environmental Protection
SOUTH DISTRICT
ERP Inspection Report and Technical Staff Report

Inspection Date: February 16, 2022

Inspector: Mckenzie Fraley

Compliance Status: ☐ In Compliance
☒ Minor Non-Compliance
☐ Significant Non-Compliance

Inspection Type: ☐ Complaint
☐ Compliance
☐ Enforcement
☒ Other: Application Review Related

Application File No. 381082-002

Site No. 417948

ERPce Project No. 402040

Property Owners: Urubo Capital LLC – 300 Buttonwood Shores Dr; Barbara Scheu – 298 Buttonwood Shores Dr; Stinnett Family Trust – 296 Buttonwood Shores Dr; Dutch Drifter LLC – 294 Buttonwood Shores Dr; Pedro and Candela Armstrong – 292 Buttonwood Shores Dr

Activity/Site Location: Uninhabited mangrove island offshore of the following parcels - 00523360-000000; 00522770-000000; 00522780-000000; 00522790-000000; 00522800-000000

Waterbody: Florida Bay

State Lands: ☐ Yes ☒ No

Class: ☐ I ☐ II ☒ III ☐ IV ☐ V

Outstanding Florida Waters (OFW): ☒ Yes ☐ No

Site History

The following site histories are in relation to the mangrove island outlined in Figures 1 and 2. Some sites do have permitting history on their own property such as dock structures and boat lifts, but these do not impact the mangrove island.

Urubo Capital LLC Property – Based on Monroe County Property Appraiser’s website, property ownership was transferred to Urubo Capital LLC via a Warranty Deed on November 19, 2020. There is no permitting or compliance history in relation to the mangrove island in Department records.

Scheu Property – Based on Monroe County Property Appraiser’s website, property ownership was transferred to Barbara Scheu via a Warranty Deed on November 1, 1985.

11/8/2019: The Department denied verification of exemption 275951-002 and 381082-001 because based on the information provided in the application and supporting documentation, the proposed activity, mangrove trimming, did not qualify for exemption pursuant to Section 403.9326 of the Florida Statutes (F.S.) and could not be authorized with a permit pursuant to 403.9327 or 403.9328 F.S. because the area proposed for trimming is a publicly owned, non-riparian, uninhabited island. See Attachment I for photos from the application.

1/26/2022: The Department received an application for an individual permit (381082-002) to reduce mangroves within the island by 25% if the height is greater than 16ft and to no lower than 6ft when under 16ft to avoid defoliation. This application was withdrawn 2/25/2022.

Stinnett Property – Based on Monroe County Property Appraiser’s website, property ownership was transferred to Stinnett Family Trust via a Warranty Deed on August 10, 2020. Another warranty deed was issued August 11, 2020, and a quitclaim deed was issued October 19, 2020.

4/18/2007: General Permit application 275921-001 for navigational trimming of mangroves was withdrawn.

11/8/2019: The Department denied verification of exemption 275951-002 and 381082-001 because based on the information provided in the application and supporting documentation, the proposed activity, mangrove trimming, did not qualify for exemption pursuant to Section 403.9326 of the Florida Statutes (F.S.) and could not be authorized with a permit pursuant to 403.9327 or 403.9328 F.S. because the area proposed for trimming is a publicly owned, non-riparian, uninhabited island.

Dutch Drifter LLC Property – Based on Monroe County Property Appraiser’s website, property ownership was transferred to Dutch Drifter LLC via a Warranty Deed on February 28, 2019. There is no permitting or compliance history in Department records.

Armstrong Property – Based on Monroe County Property Appraiser’s website, property ownership was transferred to Pedro and Candela Armstrong via a Warranty Deed on May 27, 2016.

11/16/2021: The Department received an application for an individual permit (168632-003) for navigational trimming of mangroves, including some root removal, along the easternmost portion of the mangrove island and the westernmost portion of the mangroves along the Armstrong’s jetty (see Attachment II). The following 3 questions were included in a Request for Additional information that was sent December 16, 2021.

1. Please clarify who Pedro Armstrong and Ralph Sam are; Pedro Armstrong was listed as the applicant, but Ralph Sam, signed the application form. The Department requires authorization from the entity who owns the property where the mangroves are rooted or the immediately adjacent uplands.

2. Please provide the documentation that clearly supports that Pedro Armstrong owns the uplands riparian to the mangroves at this location, specifically on the waterward island. Pursuant to Section 403.9328, F.S., only mangroves located on lands owned or controlled by the professional mangrove trimmer or by the person contracting with the professional mangrove trimmer to perform the trimming activities, or on sovereign submerged lands immediately waterward and perpendicular to such lands may be permitted. It’s unclear if the applicant has upland interest of the mangrove island on the Southern side of the channel in your aerial drawings.

3. Please propose a mitigation plan that fully offsets the impacts and shows that the project is clearly in the public interest, after the project has been shown to represent the minimal necessary to provide visual access for the upland riparian property owner and you have sufficiently demonstrated that the applicant is the riparian upland property owner for the proposed trim area. [Section 403.9328, F.S.]

Inspection Findings

2/16/2022: Department personnel conducted an inspection in response to application 381082-002 for wanting to trim the mangroves on the offshore, publicly owned, non-riparian, uninhabited island. Based on inspection findings, portions of this island have been previously trimmed and are being maintained at a certain height. There is no authorization for such work to be conducted in DEP records. Pursuant to Section 403.9323, Florida Statute, **“It is the intent of the Legislature that no trimming or alteration of mangroves may be permitted on uninhabited islands which are publicly owned or on lands set aside for conservation and preservation, or mitigation, except where necessary to protect the public health, safety, and welfare, or to enhance public use of, or access to, conservation areas in accordance with approved management plans”**

Resource Assessment

FLUCCS/FNAI Community Type(s):	612 - Mangroves
Wetlands/Other Surface Waters (OSW) Present:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Resource Impacts:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Area of Unauthorized Impacts (ft ²):	Approx. 5,600sqft

MANGROVES

Total Length of Shoreline (ft.):	Approx. 520ft
Mangroves Trimmed:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 67%
Pre-Trimming/Alteration Height:	<input type="checkbox"/> <6 ft. <input type="checkbox"/> 6-10 ft. <input type="checkbox"/> 10-16 ft. <input type="checkbox"/> 16-24 ft. <input type="checkbox"/> >24 ft. <input checked="" type="checkbox"/> Unknown
Post-Trimming/Alteration Height:	Unknown

Recommendations for Corrective Action

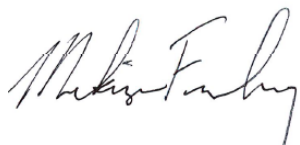
1. Cease all unauthorized trimming and/or alteration of mangroves, and conduct any future works involving mangroves in accordance with the 1996 Mangrove Preservation and Trimming Act (enclosed).
2. Obtain Department authorization prior to conducting any future mangrove trimming and/or alteration at the site.

Statute/Rule Reference(s)

403.9321-403.9333, Florida Statutes (F.S.)
403.161(1), F.S.
373.430(1), F.S.
62-330.020(2), Florida Administrative Code (F.A.C.)

Links to Additional Documentation and/or Resources

Florida Statutes: <http://www.leg.state.fl.us/STATUTES/>
Florida Administrative Code: <https://www.flrules.org/>
Mangrove Trimming and Preservation Act: https://floridadep.gov/sites/default/files/mtpa96_0.pdf
Mangrove Trimming Guidelines for Homeowners: https://floridadep.gov/sites/default/files/Mangrove-Homeowner-Guide-sm_0.pdf



Mckenzie Fraley, Environmental Specialist II

3/15/2022

Date



Elizabeth Sweigert, Environmental Administrator

3/23/2022

Date

Inspector: Mckenzie Fraley



Site Inspection Figures

Inspection Date: February 16, 2022

Inspector: Mckenzie Fraley



Figure 3: 2018 Aerial from Monroe County Property Appraiser's website.



Figure 4: 2021 Aerial from Monroe County Property Appraiser's website.

Site Inspection Figures

Inspection Date: February 16, 2022

Inspector: Mckenzie Fraley



Figure 5: Approximate area of unauthorized mangrove trimming. This area is estimated by use of aerial indicators.

Site Inspection Photos

Inspection Date: February 16, 2022

Inspector: Mckenzie Fraley



Photo 1: Looking north at the westernmost portion of the offshore island.



Photo 2: Looking northeast at the offshore island.

Site Inspection Photos

Inspection Date: February 16, 2022

Inspector: Mckenzie Fraley



Photo 3: Looking east at the easternmost portion of the offshore island.



Photo 4: Looking at a pole near the mangrove island. The pole's purpose is unknown.

qPublic.net™ Monroe County, FL Log In search...

Layers **Map** Search Sales Search Results Sales Results Report Home Tax Estimator Homestead Fraud

Layer List Legend

Quick Links:

- Real Property Search
- Tangible Property Search
- View Map

Layers:

- ☐ Annotation
- ☐ Buildings
- ☒ Major Roads
- ☒ Centerline
- ☒ Easements
- ☒ Hooks
- ☒ Lot Lines
- ☒ Road Center
- ☒ Rights of Way
- ☐ Section Lines
- ☒ Shoreline
- ☒ Condo Building
- ☒ Qualified Condo Sales
- ☒ Qualified Parcel Sales
- ☐ Conservation Easement
- ☒ Key Names
- ☒ Subdivisions
- ☒ **Parcels**
- ☐ Personal Property
- ☐ Section Poly
- ☒ County Outline
- ☒ 2018 Aerial Photography
- ☐ 2015 Aerial Photography
- ☐ 2012 Aerial Photography

Restore Layer Defaults

Buttonwood Shores Addition

Point Pleasant Amended

Key Largo

Buttonwood Shores

Parcel ID - 00522770-000000
Alt Id - 1642045
Address - 298
BUTTONWOOD SHORES Dr
Owner - SCHEU BARBARA G
View: Report | Google Maps

Parcel ID - 00523330-000000
Alt Id - 1642592
Address - 350
BUTTONWOOD SHORES Dr
Owner - BERNARDT JAMES T
View: Report | Google Maps

Parcel ID - 00523300-000000
Alt Id - 1642568
Address - 358
BUTTONWOOD SHORES Dr
Owner - GAPP WAYNE
View: Report | Google Maps

Parcel ID - 00523320-000000
Alt Id - 1642584
Address - 352
BUTTONWOOD SHORES Dr
Owner - SUTTER ANTHONY D
View: Report | Google Maps

Parcel ID - 00523310-000000
Alt Id - 1642576
Address - 356
BUTTONWOOD SHORES Dr
Owner - BERGOLD MICHAEL
View: Report | Google Maps

Parcel ID - 00522800-000000
Alt Id - 1642070
Address - 292
BUTTONWOOD SHORES Dr
Owner - ARMSTRONG CANDELA BRAVO
View: Report | Google Maps

Parcel ID - 00523230-000000
Alt Id - 1642495

Parcel ID 00522770-000000
Sec/Twp/Rng 28/61/39
Property Address 298 BUTTONWOOD SHORES Dr
KEY LARGO
District 500K
Brief Tax Description BK 3 LT 1 & LT 13 BUTTONWOOD SHORES KEY LARGO PB3-3 OR430-515 OR434-107Q OR652-240 OR808-1384D/C OR808-1386 OR959-244 OR2198-81 OR2307-1251D/C
(Note: Not to be used on legal documents)

Alternate ID 1642045
Class SINGLE FAMILY RESID

Owner Address SCHEU BARBARA G
298 Buttonwood Shores Dr
Key Largo, FL 33037

200 ft

841612.62, 278272.98

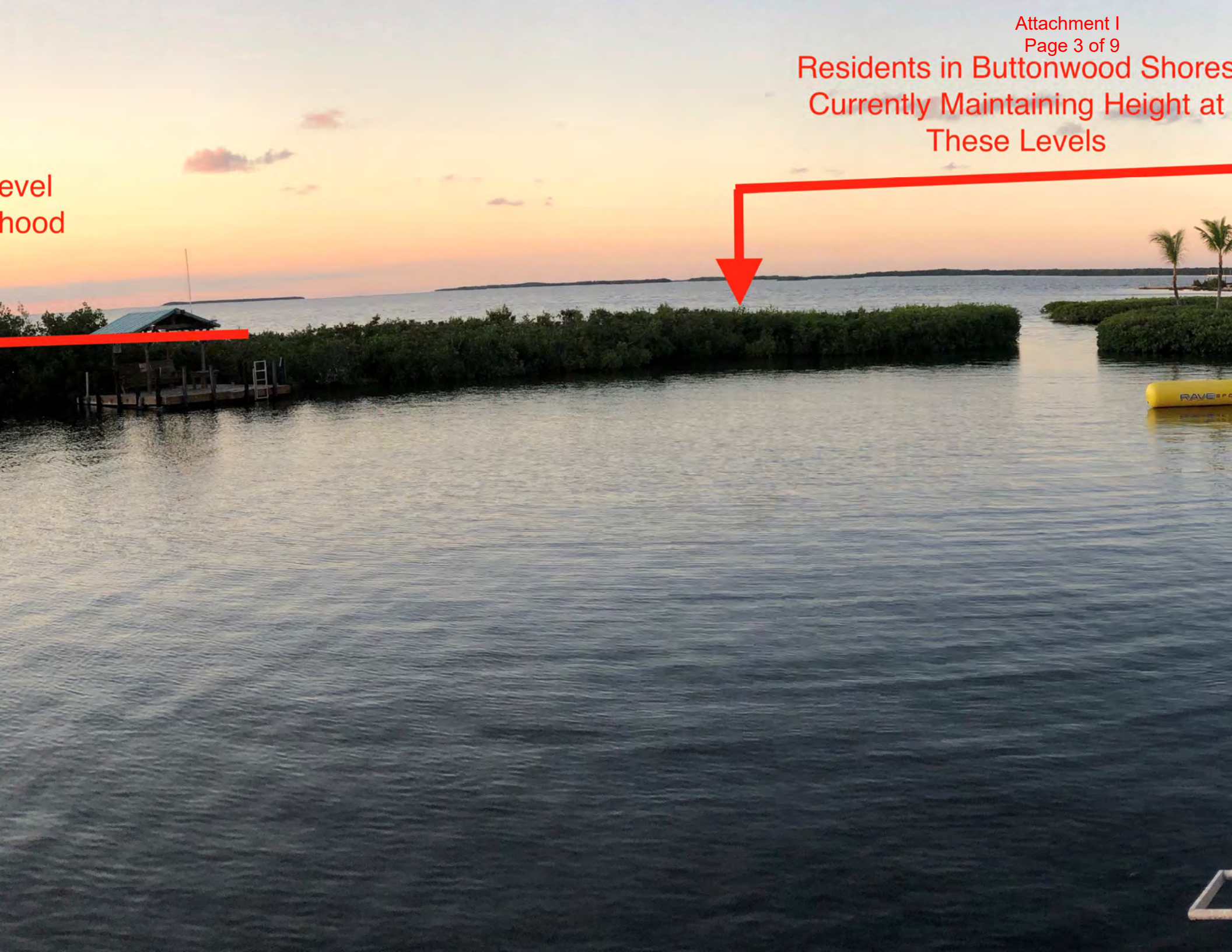
841331.78, 278627.80 ⊕

(Note: Not to be used on legal documents)

Key Largo, FL 33037

Residents in Buttonwood Shores
Currently Maintaining Height at
These Levels

level
hood

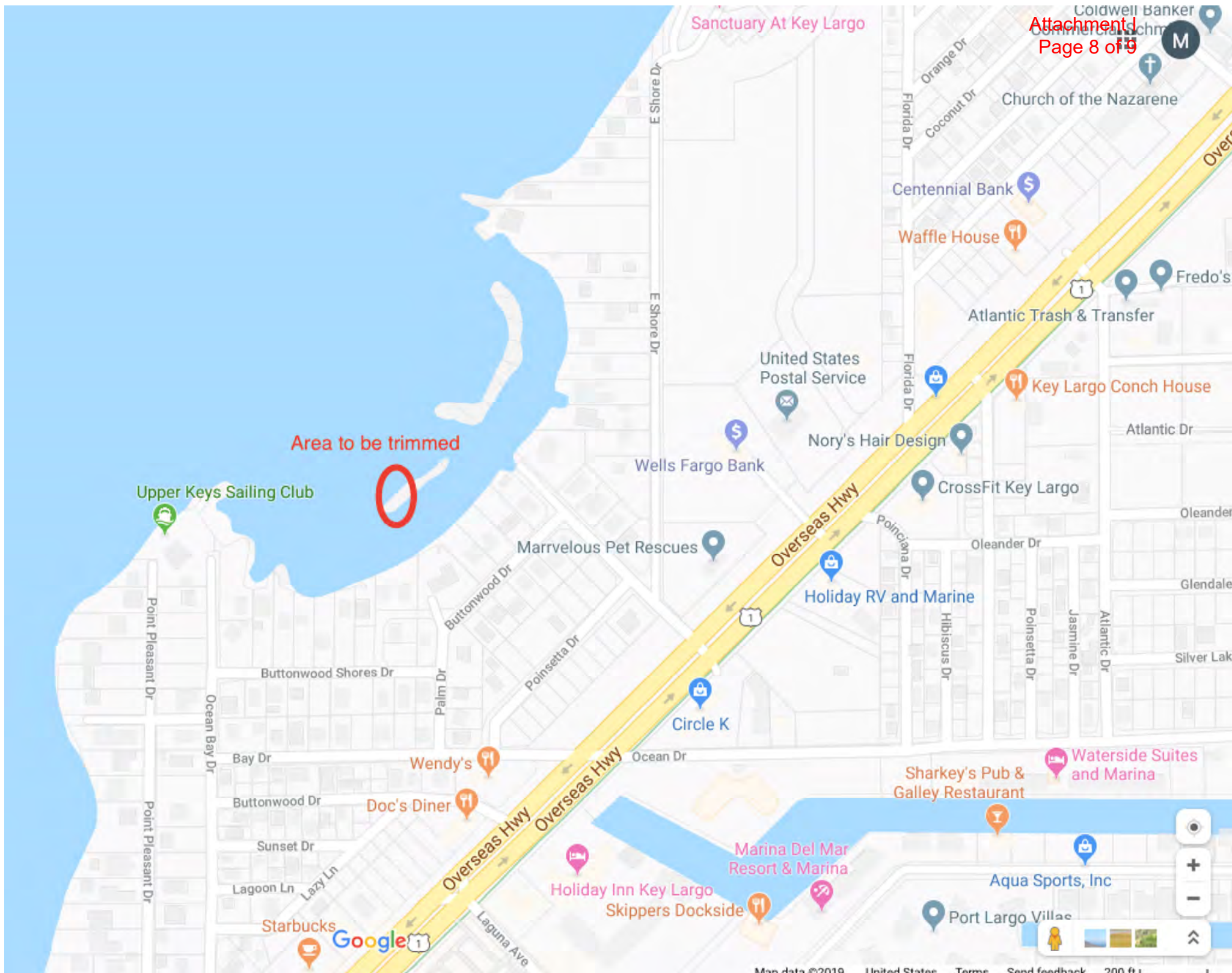


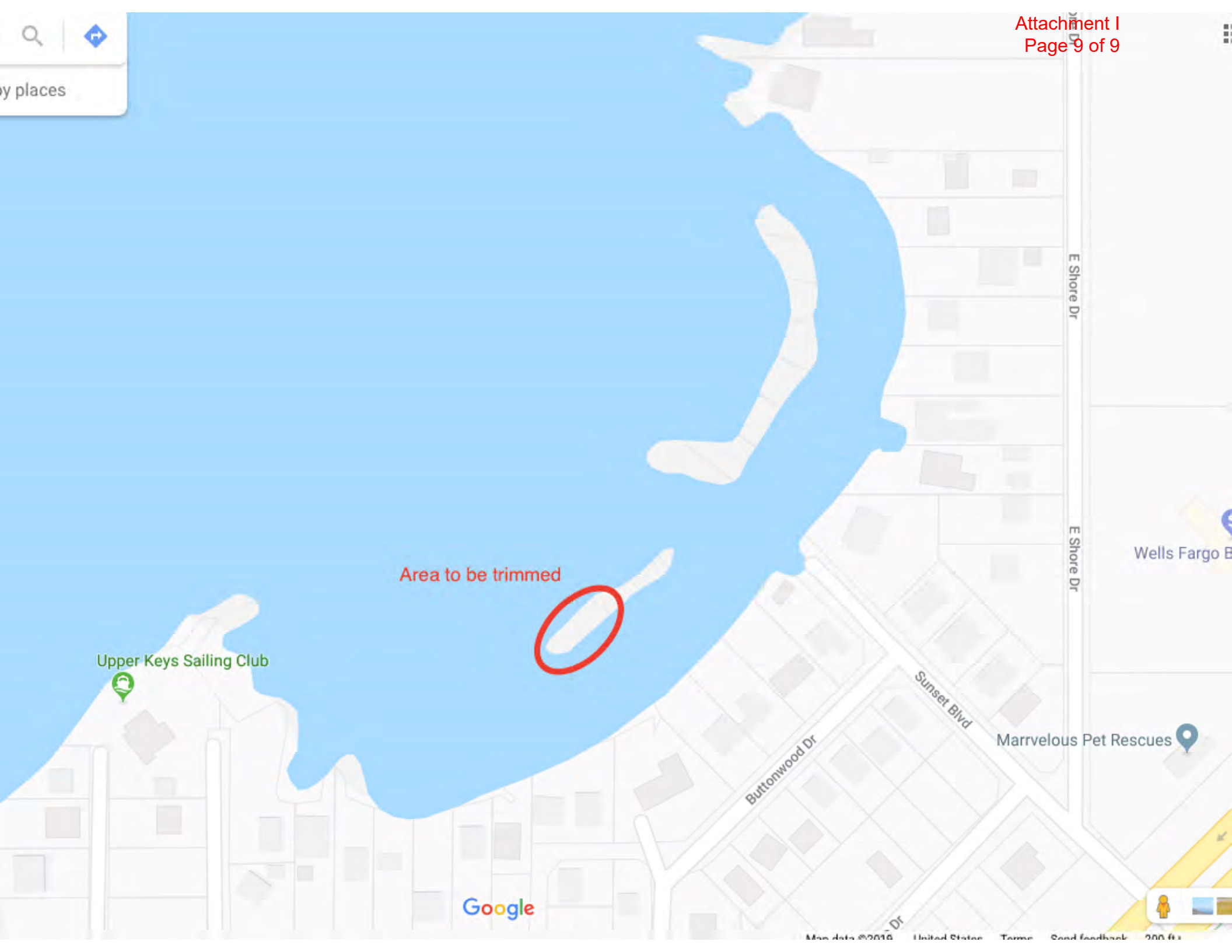












Area to be trimmed

Upper Keys Sailing Club

Wells Fargo Bank

Marvelous Pet Rescues

Google



AREA
APPLYING
FOR NAV. TRIM

Key Largo

200

Deed No. 23527

201.5

Deed No. 22787

201.8

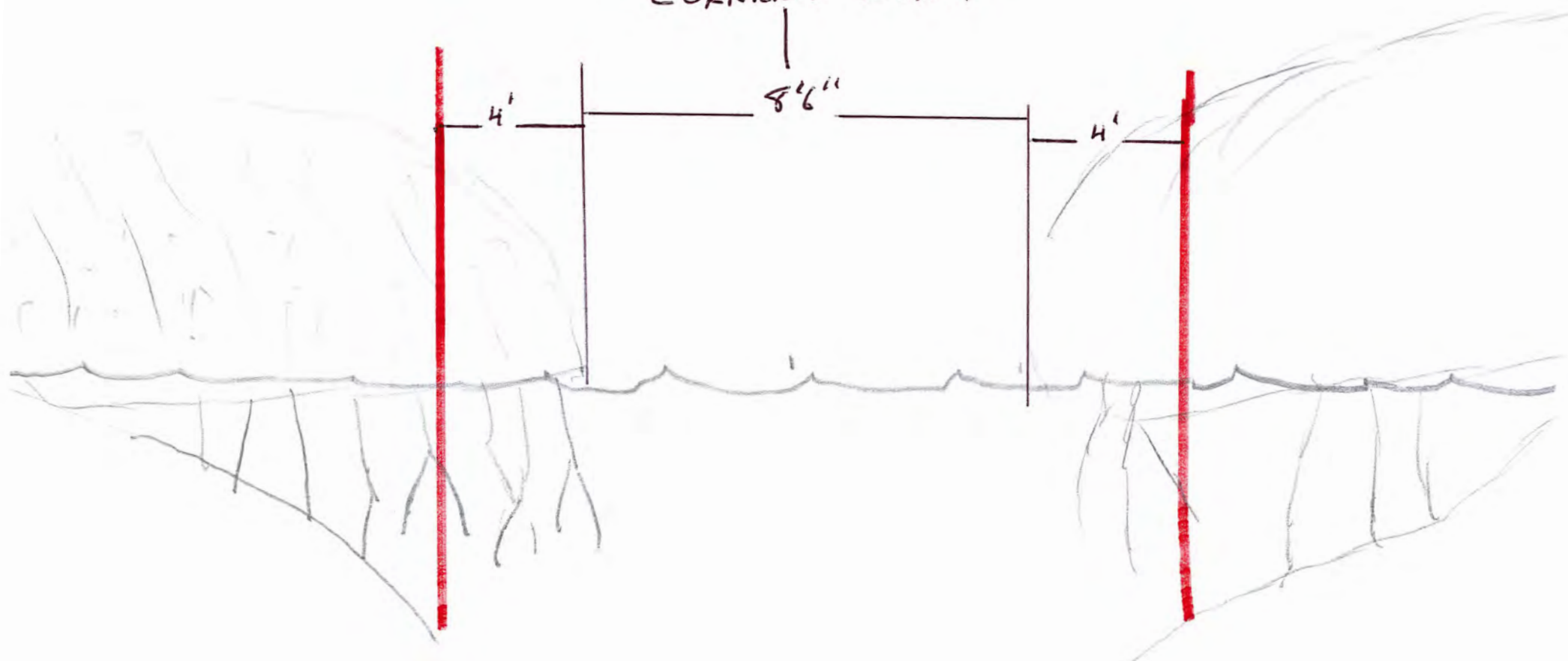
75.2

RECEIVED
NOV 16 2021
D.E.P. Marathon

NAVIGATIONAL ACCESS

TRIM BACK ADDITIONAL
4' ON EACH SIDE

CURRENT WIDTH



RECEIVED
NOV 16 2021
D.E.P. Marathon

Map



NAV. TRIM
AREA

TRIM Notice

2021 TRIM Notice (PDF)

2021 Notices Only

No data available for the following modules: Commercial Buildings, Mobile Home Buildings.

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

[Last Data Upload: 11/10/2021, 2:46:56 AM](#)

Developed by
 Schneider
GEOSPATIAL

Version 2.3.158

RECEIVED
NOV 16 2021
D.E.P. Marathon

1996 Mangrove Trimming & Preservation Act

403.9321 Short title. Sections 403.9321-403.9333, Florida Statutes, may be cited as the "Mangrove Trimming and Preservation Act."

History. s. 1, ch. 95-299.

403.9322 Legislative findings.

(1) The Legislature finds that there are over 555,000 acres of mangroves now existing in Florida. Of this total, over 80 percent are under some form of government or private ownership or control and are expressly set aside for preservation or conservation purposes.

(2) The Legislature finds that mangroves play an important ecological role as habitat for various species of marine and estuarine vertebrates, invertebrates, and other wildlife, including mammals, birds, and reptiles; as shoreline stabilization and storm protection; and for water quality protection and maintenance and as food-web support. The mangrove forest is a tropical ecosystem that provides nursery support to the sports and commercial fisheries. Through a combination of functions, mangroves contribute to the economies of many coastal counties in the state.

(3) The Legislature finds that many areas of mangroves occur as narrow riparian mangrove fringes that do not provide all the functions of mangrove forests or provide such functions to a lesser degree.

(4) The Legislature finds that scientific studies have shown that mangroves are amenable to standard horticultural treatments and that waterfront property owners can live in harmony with mangroves by incorporating such treatments into their landscaping systems.

(5) The Legislature finds that the trimming of mangroves by professional mangrove trimmers has a significant potential to maintain the beneficial attributes of mangrove resources and that professional mangrove trimmers should be authorized to conduct mangrove trimming, under certain circumstances, without prior government authorization.

History. s. 2, ch. 95-299; s. 1, ch. 96-206.

403.9323 Legislative intent.

(1) It is the intent of the Legislature to protect and preserve mangrove resources valuable to our environment and economy from unregulated removal, defoliation, and destruction.

(2) It is the intent of the Legislature that no trimming or alteration of mangroves may be permitted on uninhabited islands which are publicly owned or on lands set aside for conservation and preservation, or mitigation, except where necessary to protect the public health, safety, and welfare, or to enhance public use of, or access to, conservation areas in accordance with approved management plans.

(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 trimming in riparian mangrove fringes without prior government approval when the trimming activities will not result in the removal, defoliation, or destruction of the mangroves.

(4) It is the intent of the Legislature that ss. 403.9321-403.9333 shall be administered so as to encourage waterfront property owners to voluntarily maintain mangroves, encourage mangrove growth, and plant mangroves along their shorelines.

(5) It is the intent of the Legislature that all trimming of mangroves pursuant to this act conducted on parcels having multifamily residential units result in an equitable distribution of the riparian rights provided herein.

(6) It is the intent of the Legislature to grandfather certain historically established mangrove maintenance activities.

History. s. 3, ch. 95-299; s. 2, ch. 96-206.

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

(1) Sections 403.9321-403.9333 and any lawful regulations adopted by a local government that receives a delegation of the department's authority to administer and enforce the regulation of mangroves as provided by this section shall be the sole regulations in this state for the trimming and alteration of mangroves on privately **or publicly owned lands**. All other state and local regulation of mangrove is as provided in subsection (3).

(2) The department shall delegate its authority to regulate the trimming and alteration of mangroves to any local government that makes a written request for delegation, if the local government meets the requirements of this section. To receive delegation, a local government must demonstrate that it has sufficient resources and procedures for the adequate administration and enforcement of a delegated mangrove-regulatory program. When a county receives delegation from the department, it may, through interlocal agreement, further delegate the authority to administer and enforce regulation of mangrove trimming and alteration to municipalities that meet the requirements of this section. In no event shall more than one permit for the alteration or trimming of mangroves be required within the jurisdiction of any delegated local government.

(3) A local government that wants to establish a program for the regulation of mangroves may request delegation from the department at any time. However, all local government regulation of mangroves, except pursuant to a delegation as provided by this section, is abolished 180 days after this section takes effect.

(4) Within 45 days after receipt of a written request for delegation from a local government, the department shall grant or deny the request in writing. The request is deemed approved if the department fails to respond within the 45-day time period. In reviewing requests for delegation, the department shall limit its review to whether the request complies with the requirements of subsection (2). The department shall set forth in writing with specificity the reasons for denial of a request for delegation. The department's determination regarding delegation constitutes final agency action and is subject to review under chapter 120.

(5) The department may biannually review the performance of a delegated local program and, upon a determination by the department that the delegated program has failed to properly administer and enforce the program, may seek to revoke the authority under which the program was delegated. The department shall provide a delegated local government with written notice of its intent to revoke the authority to operate a delegated program. The department's revocation of the authority to operate a delegated program is subject to review under chapter 120.

(6) A local government that receives delegation of the department's authority to regulate mangroves shall issue all permits required by law and in lieu of any departmental permit provided for by ss. 403.9321-403.9333. The availability of the exemptions to trim mangroves in riparian mangrove fringe areas provided in s. 403.9326 may not be restricted or qualified in any way by any local government. This subsection does not preclude a delegated local government from imposing stricter substantive standards or more demanding procedural requirements for mangrove trimming or alteration outside of riparian mangrove fringe areas.

History. s. 4, ch. 95-299; s. 3, ch. 96-206.

403.9325 Definitions. For the purposes of ss. 403.9321-403.9333, the term:

(1) "Alter" means anything other than trimming of mangroves.

(2) "Local government" means a county or municipality.

(3) "Mangrove" means any specimen of the species *Laguncularia racemosa* (white mangrove), *Rhizophora mangle* (red mangrove), or *Avicennia germinans* (black mangrove).

(4) "Mangroves on lands that have been set aside as mitigation" means mangrove areas on public or private land which have been created, enhanced, restored, or preserved as mitigation under a dredge and fill permit issued under ¹ss. 403.91-403.929, Florida Statutes (1984 Supplement, as amended), or a dredge and fill permit, management and storage of surface waters permit, or environmental resource permit issued under part IV of chapter 373, applicable dredge and fill licenses or permits issued by a local government, a resolution of an enforcement action, or a conservation easement that does not provide for trimming.

(5) "Professional mangrove trimmer" means a person who meets the qualifications set forth in s. 403.9329.

(6) "Public lands set aside for conservation or preservation" means:

- (a) Conservation and recreation lands under chapter 259;
- (b) State and national parks;
- (c) State and national reserves and preserves, except as provided in s. 403.9326(3);
- (d) State and national wilderness areas;
- (e) National wildlife refuges (only those lands under Federal Government ownership);
- (f) Lands acquired through the Water Management Lands Trust Fund, Save Our Rivers Program;
- (g) Lands acquired under the Save Our Coast program;
- (h) Lands acquired under the environmentally endangered lands bond program;
- (i) Public lands designated as conservation or preservation under a local government comprehensive plan;
- (j) Lands purchased by a water management district, the Fish and Wildlife Conservation Commission, or any other state agency for conservation or preservation purposes;
- (k) Public lands encumbered by a conservation easement that does not provide for the trimming of mangroves; and
- (l) Public lands designated as critical wildlife areas by the Fish and Wildlife Conservation Commission.

(7) "Riparian mangrove fringe" means mangroves growing along the shoreline on private property, property owned by a governmental entity, or sovereign submerged land, the depth of which does not exceed 50 feet as measured waterward from the trunk of the most landward mangrove tree in a direction perpendicular to the shoreline to the trunk of the most waterward mangrove tree. Riparian mangrove fringe does not include mangroves on uninhabited islands, or public lands that have been set aside for conservation or preservation, or mangroves on lands that have been set aside as mitigation, if the permit, enforcement instrument, or conservation easement establishing the mitigation area did not include provisions for the trimming of mangroves.

(8) "Trim" means to cut mangrove branches, twigs, limbs, and foliage, but does not mean to remove, defoliate, or destroy the mangroves.

History. s. 5, ch. 95-299; s. 4, ch. 96-206; s. 215, ch. 99-245.

¹**Note.** Sections 403.91-403.925 and 403.929 were repealed by s. 45, ch. 93-213, and s. 403.913, as amended by s. 46, ch. 93-213, was transferred to s. 403.939 and subsequently repealed by s. 18, ch. 95-145. The only section remaining within the cited range is s. 403.927.

403.9326 Exemptions.

(1) The following activities are exempt from the permitting requirements of ss. 403.9321-403.9333 and any other provision of law if no herbicide or other chemical is used to remove mangrove foliage:

(a) Mangrove trimming in riparian mangrove fringe areas that meet the following criteria:

1. The riparian mangrove fringe must be located on lands owned or controlled by the person who will supervise or conduct the trimming activities or on sovereign submerged lands immediately waterward and perpendicular to the lands.
2. The mangroves that are the subject of the trimming activity may not exceed 10 feet in pretrimmed height as measured from the substrate and may not be trimmed so that the overall height of any mangrove is reduced to less than 6 feet as measured from the substrate.

This exemption applies to property with a shoreline of 150 feet or less. Owners of property with a shoreline of more than 150 feet may not trim, under an exemption, more than 65 percent of the mangroves along the shoreline.

(b) Mangrove trimming supervised or conducted exclusively by a professional mangrove trimmer, as defined in s. 403.9325, in riparian mangrove fringe areas that meet the following criteria:

1. The riparian mangrove fringe must be located on lands owned or controlled by the professional mangrove trimmer or by the person contracting with the professional mangrove trimmer to perform the trimming activities, or on sovereign submerged lands immediately waterward and perpendicular to such lands.
2. The mangroves that are the subject of the trimming activity may not exceed 24 feet in pretrimmed height and may not be trimmed so that the overall height of any mangrove is reduced to less than 6 feet as measured from the substrate.
3. The trimming of mangroves that are 16 feet or greater in pretrimmed height must be conducted in stages so that no more than 25 percent of the foliage is removed annually.
4. A professional mangrove trimmer that is trimming red mangroves for the first time under the exemption provided by this paragraph must notify the department or delegated local government in writing at least 10 days before commencing the trimming activities.

This exemption applies to property with a shoreline of 150 feet or less. Owners of property with a shoreline of more than 150 feet may not trim, under an exemption, more than 65 percent of the mangroves along the shoreline.

(c) Mangrove trimming in riparian mangrove fringe areas which is designed to reestablish or maintain a previous mangrove configuration if the mangroves to be trimmed do not exceed 24 feet in pretrimmed height. The reestablishment of a previous mangrove configuration must not result in the destruction, defoliation, or removal of mangroves. Documentation of a previous mangrove configuration may be established by affidavit of a person with personal knowledge of such configuration, through current or past permits from the state or local government, or by photographs of the mangrove configuration. Trimming activities conducted under the exemption provided by this paragraph shall be conducted by a professional mangrove trimmer when the mangroves that are the subject of the trimming activity have a pretrimmed height which exceeds 10 feet as measured from the substrate. A person trimming red mangroves for the first time under the exemption provided by this paragraph must notify the department or delegated local government in writing at least 10 days before commencing the trimming activities.

(d) The maintenance trimming of mangroves that have been previously trimmed in accordance with an exemption or government authorization, including those mangroves that naturally recruited into the area and any mangrove growth that has expanded from the area subsequent to the authorization, if the maintenance trimming does not exceed the height and configuration previously established. Historically established maintenance trimming is

grandfathered in all respects, notwithstanding any other provisions of law. Documentation of established mangrove configuration may be verified by affidavit of a person with personal knowledge of the configuration or by photographs of the mangrove configuration.

(e) The trimming of mangrove trees by a state-licensed surveyor in the performance of her or his duties, if the trimming is limited to a swath of 3 feet or less in width.

(f) The trimming of mangrove trees by a duly constituted communications, water, sewerage, electrical, or other utility company, or by a federal, state, county, or municipal agency, or by an engineer or a surveyor and mapper working under a contract with such utility company or agency, when the trimming is done as a governmental function of the agency.

(g) The trimming of mangrove trees by a duly constituted communications, water, sewerage, electrical, or other utility company in or adjacent to a public or private easement or right-of-way, if the trimming is limited to those areas where it is necessary for the maintenance of existing lines or facilities or for the construction of new lines or facilities in furtherance of providing utility service to its customers and if work is conducted so as to avoid any unnecessary trimming of mangrove trees.

(h) The trimming of mangrove trees by a duly constituted communications, water, sewerage, or electrical utility company on the grounds of a water treatment plant, sewerage treatment plant, or electric power plant or substation in furtherance of providing utility service to its customers, if work is conducted so as to avoid any unnecessary trimming of mangrove trees.

(2) Any rule, regulation, or other provision of law must be strictly construed so as not to limit directly or indirectly the exemptions provided by this section for trimming in riparian mangrove fringe areas except as provided in s. 403.9329(7)(b). Any rule or policy of the department, or local government regulation, that directly or indirectly serves as a limitation on the exemptions provided by this section for trimming in riparian mangrove fringe areas is invalid.

(3) The designation of riparian mangrove fringe areas as aquatic preserves or Outstanding Florida Waters shall not affect the use of the exemptions provided by this section.

History. s. 6, ch. 95-299; s. 5, ch. 96-206; s. 1012, ch. 97-103.

403.9327 General permits.

(1) The following general permits are created for the trimming of mangroves that do not qualify for an exemption provided by s. 403.9326:

(a) A general permit to trim mangroves for riparian property owners, if:

1. The trimming is conducted in an area where the department has not delegated the authority to regulate mangroves to a local government;

2. The trimming is supervised or conducted exclusively by a professional mangrove trimmer;

3. The mangroves subject to trimming under the permit do not extend more than 500 feet waterward as measured from the trunk of the most landward mangrove tree in a direction perpendicular to the shoreline;

4. No more than 65 percent of the mangroves along the shoreline which exceed 6 feet in pretrimmed height as measured from the substrate will be trimmed, and no mangrove will be trimmed so that the overall height of any mangrove is reduced to less than 6 feet as measured from the substrate; and

5. No herbicide or other chemical will be used for the purpose of removing leaves of a mangrove.

(b) A general permit for the limited trimming of mangroves within existing navigational channels, basins, or canals to provide clearance for navigation of watercraft, if:

1. The trimming is conducted in an area where the department has not delegated the authority to regulate mangroves to a local government;

2. The trimming is supervised or conducted exclusively by a professional mangrove trimmer;

3. The mangroves are located on lands owned or controlled by the professional mangrove trimmer or by the person contracting with the professional mangrove trimmer to perform the trimming activities, or on sovereign submerged lands immediately waterward and perpendicular to such lands;

4. The trimming is limited to those portions of branches or trunks of mangroves which extend into the navigation channel beyond a vertical plane of the most waterward prop root or root system; and

5. No herbicide or other chemical will be used for the purpose of removing leaves of a mangrove.

(2) The department may establish additional general permits for mangrove trimming.

(3) The general permits under this section are subject to the following conditions:

(a) A general permit may be used only once on any parcel of property to achieve a mangrove height of no less than 6 feet;

(b) Trimming must be conducted in stages so that no more than 25 percent of the foliage is removed annually; and

(c) The height and configuration of mangroves trimmed under these general permits may be maintained under s. 403.9326(1)(d).

(4) Notice of intent to use a general permit must be made in writing to the department and must contain sufficient information to enable the department to determine the scope of the proposed trimming and whether the activity will comply with the conditions of this section.

(5) The department shall grant or deny in writing each request for a general permit within 30 days after receipt, unless the applicant agrees to an extension. If the applicant does not agree to an extension and the department fails to act on the request within the 30-day period, the request is approved. The department's denial of a request for a general permit is subject to review under chapter 120. The department's action may not receive a presumption of validity in any administrative or judicial proceeding for review.

(6) Trimming that does not qualify for an exemption under s. 403.9326 or a general permit under this section requires a permit as provided in s. 403.9328.

(7) If a local government receives delegation of the department's authority to regulate mangroves, the delegated local government shall issue permits for mangrove trimming in lieu of a general permit from the department, but the local government may not directly or indirectly limit the use of the exemptions in s. 403.9326. A delegated local government may impose stricter substantive standards than those of the department for the issuance of a permit authorized by this section; however, such regulations may not prohibit all mangrove trimming.

History. s. 7, ch. 95-299; s. 6, ch. 96-206.

403.93271 Applicability to multifamily residential units.

(1) When trimming under s. 403.9327(1)(a) occurs on property developed for multifamily residential use, the 65-percent shoreline trimming limit must be equitably distributed so that each owner's riparian view is similarly affected.

(2) If it is necessary to trim more than 65 percent of the mangroves along the shoreline in order to provide a water view from each unit, the department or delegated local government may authorize a greater percentage of trimming under s. 403.9327(1)(a). This subsection applies only to property on which multifamily residential units exist as of June 1, 1996.

History. s. 7, ch. 96-206.

403.9328 Alteration and trimming of mangroves; permit requirement.

(1) A person may not alter or trim, or cause to be altered or trimmed, any mangrove within the landward extent of wetlands and other surface waters, as defined in chapter 62-340.200(19), Florida Administrative Code, using the methodology in s. 373.4211 and chapter 62-340, Florida Administrative Code, when the trimming does not meet the criteria in s. 403.9326 or s. 403.9327 except under a permit issued under this section by the department or a delegated local government or as otherwise provided by ss. 403.9321-403.9333. Any violation of ss. 403.9321-403.9333 is presumed to have occurred with the knowledge and consent of any owner, trustee, or other person who directly or indirectly has charge, control, or management, either exclusively or with others, of the property upon which the violation occurs. However, this presumption may be rebutted by competent, substantial evidence that the violation was not authorized by the owner, trustee, or other person.

(2)(a) The department, when deciding to issue or deny a permit for mangrove alteration or trimming under this section, shall use the criteria in s. 373.414(1) and (8). If the applicant is unable to meet these criteria, the department and the applicant shall first consider measures to reduce or eliminate the unpermissible impacts. If unpermissible impacts still remain, the applicant may propose, and the department shall consider, measures to mitigate the otherwise unpermissible impacts. A request for a permit to alter mangroves must be submitted in writing with sufficient specificity to enable the department to determine the scope and impacts of the proposed alteration activities.

(b) The department shall issue or deny a permit for mangrove alteration in accordance with chapter 120 and s. 403.0876.

(3) The use of herbicides or other chemicals for the purposes of removing leaves from a mangrove is strictly prohibited.

(4) If a local government receives delegation of the department's authority to regulate mangroves, the delegated local government shall issue permits for mangrove trimming when the trimming does not meet the criteria in s. 403.9326 or for mangrove alteration in lieu of a departmental permit. A delegated local government may impose stricter substantive standards than those of the department for the issuance of a permit authorized by this section but may not prohibit all mangrove trimming.

(5) A permit is not required under ss. 403.9321-403.9333 to trim or alter mangroves if the trimming or alteration is part of an activity that is exempt under s. 403.813 or is permitted under part IV of chapter 373. The procedures for permitting under part IV of chapter 373 will control in those instances.

History. s. 8, ch. 95-299; s. 8, ch. 96-206; s. 38, ch. 97-98.

403.9329 Professional mangrove trimmers.

(1) For purposes of ss. 403.9321-403.9333, the following persons are considered professional mangrove trimmers:

- (a) Certified arborists, certified by the International Society of Arboriculture;
- (b) Professional wetland scientists, certified by the Society of Wetland Scientists;
- (c) Certified environmental professionals, certified by the Academy of Board Certified Environmental Professionals;
- (d) Certified ecologists certified by the Ecological Society of America;
- (e) Persons licensed under part II of chapter 481. The Board of Landscape Architecture shall establish appropriate standards and continuing legal education requirements to assure the competence of licensees to conduct the activities authorized under ss. 403.9321-403.9333. Trimming by landscape architects as professional mangrove trimmers is not allowed until the establishment of standards by the board. The board shall also establish penalties for violating ss. 403.9321-403.9333. Only those landscape architects who are certified in the state may qualify as professional mangrove trimmers under ss. 403.9321-403.9333, notwithstanding any reciprocity agreements that may exist between this state and other states;

(f) Persons who have conducted mangrove trimming as part of their business or employment and who are able to demonstrate to the department or a delegated local government, as provided in subsection (2) or subsection (3), a sufficient level of competence to assure that they are able to conduct mangrove trimming in a manner that will ensure the survival of the mangroves that are trimmed; and

(g) Persons who have been qualified by a delegated local government through a mangrove-trimming qualification program as provided in subsection (7).

(2) A person who seeks to assert professional mangrove trimmer status under paragraph (1)(f) to trim mangroves under the exemptions and general permits provided in ss. 403.9326 and 403.9327, in areas where a local government has not established a professional mangrove trimmer qualification program as provided in subsection (7), must request in writing professional mangrove trimmer status from the department. The department shall grant or deny any written request for professional mangrove trimmer status within 60 days after receipt of the request. If professional mangrove trimmer status has been granted by the department, no additional requests for professional mangrove trimmer status need be made to the department to trim mangroves under the exemptions provided in s. 403.9326. Persons applying for professional mangrove trimmer status must provide to the department a notarized sworn statement attesting:

(a) That the applicant has successfully completed a minimum of 10 mangrove-trimming projects authorized by the department or a local government program. Each project must be separately identified by project name and permit number;

(b) That a mangrove-trimming or alteration project of the applicant is not in violation of ss. 403.9321-403.9333 or any lawful rules adopted thereunder; and

(c) That the applicant possesses the knowledge and ability to correctly identify mangrove species occurring in this state.

(3) A person asserting professional mangrove trimmer status who wishes to use a general permit authorized under s. 403.9327 must complete and sign a notice of intent to use the general permit, along with the individual who owns or controls the property, and provide a copy of the department's qualification of professional mangrove trimmer status as provided for in subsection (2). A professional mangrove trimmer signing a notice of intent to use the general permit must conduct or supervise the trimming at the site specified in the notice.

(4) The department may deny a request for professional mangrove trimmer status if the department finds that the information provided by the applicant is incorrect or incomplete, or if the applicant has demonstrated a past history of noncompliance with the provisions of ss. 403.9321-403.9333 or any adopted mangrove rules.

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

(6) The department's decision to grant, deny, or revoke a professional mangrove trimmer status is subject to review under chapter 120.

(7)(a) A local government that receives delegation of the department's mangrove regulatory authority may establish criteria for qualification of persons as professional mangrove trimmers working within the jurisdiction of the local government. A delegated local government that establishes a program shall provide procedures and minimum qualifications and may develop training programs for those persons wishing to become qualified as professional mangrove trimmers. A delegated local government may establish criteria for disciplining persons qualified as professional mangrove trimmers working within its jurisdiction.

(b) A delegated local government may require that any person qualifying as a professional mangrove trimmer within the jurisdiction of the local government:

1. Be registered with the local government.
2. Pay an annual registration fee that may not exceed \$500.

3. Provide prior written notice to the delegated local government before conducting the trimming activities authorized under the exemptions provided by s. 403.9326.

4. Be onsite when mangrove-trimming activities are performed.

(c) The department may require a person who qualifies as a professional mangrove trimmer and works in an area where a local government has not received delegation to provide written notice to the department 10 days before conducting trimming activities under the exemptions and general permits provided in ss. 403.9326 and 403.9327 and to be onsite when mangrove trimming activities are performed.

(d) Any person who qualifies as a professional mangrove trimmer under this subsection may conduct trimming activities within the jurisdiction of a delegated local government if the person registers and pays any appropriate fee required by a delegated local government. A delegated local government that wishes to discipline persons licensed under part II of chapter 481 for mangrove-trimming or alteration activities may file a complaint against the licensee as provided for by chapter 481 and may take appropriate local disciplinary action. Any local disciplinary action imposed against a licensee is subject to administrative and judicial review.

(e) A locally registered mangrove trimmer may use the exemptions and general permits in ss. 403.9326 and 403.9327 only within the jurisdiction of delegated local governments in which the mangrove trimmer is registered. Nothing in ss. 403.9321-403.9333 shall prevent any person who qualifies as a professional mangrove trimmer under subsection (1) from using the exemptions and general permits in ss. 403.9326 and 403.9327 outside the jurisdiction of delegated local governments.

(f) Any local governmental regulation imposed on professional mangrove trimmers that has the effect of limiting directly or indirectly the availability of the exemptions provided by s. 403.9326 is invalid.

History. s. 9, ch. 95-299; s. 9, ch. 96-206.

403.9331 Applicability; rules and policies.

(1) The regulation of mangrove protection under ss. 403.9321-403.9333 is intended to be complete and effective without reference to or compliance with other statutory provisions.

(2) Any rule or policy applicable to permits provided for by s. 403.9327 or s. 403.9328 which establishes a standard applicable to mangrove trimming or alteration is invalid unless a scientific basis for the rule or policy is established. Such rules or policies shall not receive a presumption of validity in any administrative or judicial proceeding for review. Any such rule or policy must be demonstrated to substantially advance a fundamental purpose of the statute cited as authority for the rule or policy or shall be invalid.

History. --s. 10, ch. 95-299.

403.9332 Mitigation and enforcement.

(1)(a) Any area in which 5 percent or more of the trimmed mangrove trees have been trimmed below 6 feet in height, except as provided in s. 403.9326(1)(c), (d), (f), (g), and (h), destroyed, defoliated, or removed as a result of trimming conducted under s. 403.9326 or s. 403.9327 must be restored or mitigated. Restoration must be accomplished by replanting mangroves, in the same location and of the same species as each mangrove destroyed, defoliated, removed, or trimmed, to achieve within 5 years a canopy area equivalent to the area destroyed, removed, defoliated, or trimmed; or mitigation must be accomplished by replanting offsite, in areas suitable for mangrove growth, mangroves to achieve within 5 years a canopy area equivalent to the area destroyed, removed, defoliated, or trimmed. Where all or a portion of the restoration or mitigation is not practicable, as determined by the department or delegated local government, the impacts resulting from the destruction, defoliation, removal, or trimming of the mangroves must be offset by donating a sufficient

amount of money to offset the impacts, which must be used for the restoration, enhancement, creation, or preservation of mangrove wetlands within a restoration, enhancement, creation, or preservation project approved by the department or delegated local government; or by purchasing credits from a mitigation bank created under s. 373.4135 at a mitigation ratio of 2-to-1 credits to affected area. The donation must be equivalent to the cost, as verified by the department or delegated local government, of creating mangrove wetlands at a 2-to-1, created versus affected ratio, based on canopy area. The donation may not be less than \$4 per square foot of created wetland area.

(b) In all cases, the applicant, permittee, landowner, and person performing the trimming are jointly and severally liable for performing restoration under paragraph (a) and for ensuring that the restoration successfully results in a variable mangrove community that can offset the impacts caused by the removal, destruction, or defoliation of mangroves. The applicant, landowner, and person performing the trimming are also jointly and severally subject to penalties.

(c) If mangroves are to be trimmed or altered under a permit issued under s. 403.9328, the department or delegated local government may require mitigation. The department or delegated local government shall establish reasonable mitigation requirements that must include, as an option, the use of mitigation banks created under s. 373.4135, where appropriate. The department's mitigation requirements must ensure that payments received as mitigation are sufficient to offset impacts and are used for mangrove creation, preservation, protection, or enhancement.

(d) Any replanting for restoration and mitigation under this subsection must result in at least 80 percent survival of the planted mangroves 1 year after planting. If the survival requirement is not met, additional mangroves must be planted and maintained until 80 percent survival is achieved 1 year after the last mangrove planting.

(2) The department or delegated local government shall enforce the provisions of ss. 403.9321-403.9333 in the same manner and to the same extent provided for in ss. 403.141 and 403.161 for the first violation.

(3) For second and subsequent violations, the department or delegated local government, in addition to the provisions of ss. 403.141 and 403.161, shall impose additional monetary penalties for each mangrove illegally trimmed or altered as follows:

- (a) Up to \$100 for each mangrove illegally trimmed; or
- (b) Up to \$250 for each mangrove illegally altered.

(4) In addition to the penalty provisions provided in subsections (1)-(3), for second and all subsequent violations by a professional mangrove trimmer, the department or delegated local government shall impose a separate penalty upon the professional mangrove trimmer up to \$250 for each mangrove illegally trimmed or altered.

(5) This section does not limit or restrict a delegated local government from enforcing penalty, restoration, and mitigation provisions under its local authority.

History. s. 11, ch. 95-299; s. 10, ch. 96-206.

403.9333 Variance relief. Upon application, the department or delegated local government may grant a variance from the provisions of ss. 403.9321-403.9333 if compliance therewith would impose a unique and unnecessary hardship on the owner or any other person in control of the affected property. Relief may be granted upon demonstration that such hardship is not self-imposed and that the grant of the variance will be consistent with the general intent and purpose of ss. 403.9321-403.9333. The department or delegated local government may grant variances as it deems appropriate.

History. s. 55, ch. 84-338; s. 44, ch. 93-213; s. 12, ch. 95-299.

Note. Former s. 403.938.

403.9334 Effect of ch. 96-206. Nothing in chapter 96-206, Laws of Florida, shall invalidate any permit or order related to mangrove activities which has been approved by the department or any other governmental entity, nor shall it affect any application for permits related to mangrove activities deemed sufficient and substantially complete prior to July 1, 1996.

History. s. 11, ch. 96-206.



Mangrove Trimming Guidelines for Homeowners

Produced by the Florida Department of
Environmental Protection



Table of Contents

Introduction	4
Before You Trim.....	5
Trimming for Healthy Plants	7
Trimming Styles	8
Red Mangroves	10
Black Mangroves.....	11
White Mangroves	12
Associates & Exotics	13
Definitions.....	14
Exemptions for Homeowners	16
Professional Mangrove Trimmers	17
Maintenance Trimming	18
General and Individual Permits	19
Statewide Contacts	20



Red Mangroves “Walking”

Introduction

This booklet is intended to assist coastal property owners in identifying, trimming, and altering mangrove trees in a manner that will:

- provide a view or navigational access;
- protect valuable mangrove resources; and
- be in compliance with state statutes that regulate the trimming and alteration of mangroves.

Florida has three native species of mangroves: *red*, *black*, and *white*. While they can grow in freshwater, their physiological adaptations to life in salt water allow them to thrive and outcompete other freshwater species. Each species responds differently to trimming. Information on the identification and trimming tolerances of these species is provided in pages 7 through 12 of this booklet.

Florida mangroves are tropical to subtropical trees that are restricted to the calm, intertidal areas of Florida where temperatures do not drop below freezing for prolonged periods. They occur along all of Florida's coastlines, however, along the northern Gulf Coast red and black mangroves may occur as sparse, individual, short, shrubby plants.

Some benefits that mangroves provide to the environment are:

- Habitat for estuarine and marine food webs;
- Assist with maintaining and improving the quality of our coastal waters;
- Their roots and trunks resist and prevent shoreline erosion;
- They can protect homes and property from severe wind damage.

Many property owners trim mangroves along their shorelines to obtain or enhance their view of the water. Unfortunately, if not done properly, trimming can harm or kill the mangroves. While this might maximize a view, many people do not realize that killing or harming mangroves can have many unintended adverse consequences to the benefits mangroves provide.

The Florida Marine Research Institute has reported up to 86% loss of mangroves in some areas of Florida since the 1940's. Trimming mangrove trees and shrubs into short hedges results in a loss of mangrove



Great Egret standing on a Red Mangrove Tree

biomass and arboreal (forest canopy) habitat. With this loss has been a loss in fishery productivity, shoreline erosion, and the quality of many of our near shore waters.

The Florida Legislature enacted the [1996 Mangrove Trimming and Preservation Act](#) (MTPA) in Sections 403.9321-403.9333 of the Florida Statutes (F.S.). This law regulates the trimming and alteration of mangroves statewide, with the exception of the [Delegated Local Governments](#) of Broward, Hillsborough, Miami-Dade, and Pinellas Counties, the City of Sanibel, and the Town of Jupiter Island.

A copy of the 1996 Mangrove Trimming and Preservation Act can be obtained from agency sources listed at the end of this booklet, as well as on The Florida Department of Environmental Protection's website (<http://www.dep.state.fl.us/>). While the MTPA recognizes a riparian 'right to view' in the Legislative Intent Section (S. 403.9323(3), F.S.), there are instances when waterfront property owners may not be able to legally obtain every desired view.

Before You Trim

Shoreline owners have a unique opportunity to directly participate in the stewardship of Florida's marine environment by understanding that there are many ways that a reasonable view may be obtained without severely injuring or killing mangroves. Carefully choose your configuration and leave some areas of canopy intact to provide the valuable benefits of the local arboreal community.

Regulations: The heights to which a mangrove tree may be trimmed will depend upon the provisions of the MTPA as well as the species and condition of the tree. In most instances, mangroves may not be trimmed lower than 6 feet in height as measured from the substrate (ground surface) under the MTPA, except for certain government and utility oriented exemptions, and historically established and verified configurations. Reduction in height for larger trees will need to be conducted in stages over several years. Many large trees cannot legally be trimmed to 6 feet; this is mainly due to the tree's pre-trim canopy configuration. In no case may trimming result in defoliation (loss of most of the tree's leaves), destruction (death of part or all of the tree, including roots), or removal of a mangrove.



**Windowed and hedge-trimmed Mangroves
along shoreline and dock**



Mangroves along homeowners' shoreline with rip rap.

Actions that result in defoliation, destruction, or removal of a mangrove are considered alteration.

Projects that involve alterations, and trimming projects that exceed the allowances of the exemptions and general permits, may be authorized through individual permits in S. 403.9328 of the MTPA.

Trimming may be authorized in an Environmental Resource Permit (ERP) along with other ERP activities for the same property. Mangrove impacts associated with and located within the footprint of an ERP authorized activity do not require a separate authorization under the MTPA (S. 403.9328(5), F.S.).

Compliance: In all cases, the applicant, permittee, landowner, and person performing the trimming are jointly and severally liable for complying with the MTPA, unless evidence indicates otherwise. It is important for all parties involved to always take photos before and after any trimming activities occur to document pre- and post-trimming conditions.

Before You Trim—Continued

Professional Mangrove Trimmers (PMTs): The 1996 MTPA identifies five types of persons who are considered to be PMTs in S. 403.9329(1), F.S., and has provisions in Sections 403.9329(2) & (7), F.S., for qualifying other persons as PMTs. PMTs are required to supervise and/or conduct certain types of trimming, and typically are the most qualified to perform trimmings in a manner that is least damaging to the mangroves. PMT status only reflects that the person met the statutory requirements. Property owners should always question their perspective trimmer on different trimming styles that maintain the health of the trees while still providing both a view, and privacy, if desired. Page 17 provides information on PMTs responsibility and how to locate PMTs for your area. Once your trees have been legally trimmed to the final height and/or configuration, maintaining the trimmed area can be conducted by anyone (S. 403.9326(1)(d), F.S.) Although a PMT is not required, if you hire a non-PMT landscaper make sure they only trim back to the final height or configuration legally attained. Also make sure they are using sharp tools and making clean cuts, to ensure the health and look of the mangroves.



Natural looking Mangroves and other flora on homeowner's shoreline.



These windowed mangroves provide the homeowner with a view from the first floor and privacy from the second.

Styles of trimming: Regardless of who conducts the trimming, contact your county extension service office (IFAS) or the [International Society for Arboriculture](#) for additional information on standard horticultural practices, & read page 10 of this booklet for caution while trimming red mangroves. Mangroves can be trimmed in a variety of ways that can provide a view while still protecting the health of the tree. There are also some excellent and easy to read books available from libraries, bookstores, and the internet for this purpose. Both the property owner and the trimmer are responsible for trimming mangroves in a manner that will not cause defoliation, destruction, or removal of the mangrove and in accordance with the 1996 MTPA. (Refer to Page 7, *Trimming for Healthy Plants*, and Pages 8 & 9 for *Trimming Styles*.)

Trimming for Healthy Plants

Healthy mangroves are more beneficial to your shoreline, fisheries, water quality, and to your landscape design than are unhealthy mangroves that have been improperly trimmed.

Trimming Guidance: Under the 1996 MTPA, dead mangroves and dead portions of living mangroves are protected to the same degree as living mangroves. The dead plants and stems provide habitat and detrital material, and may only be trimmed to the same extent as the living mangroves riparian to one's property.

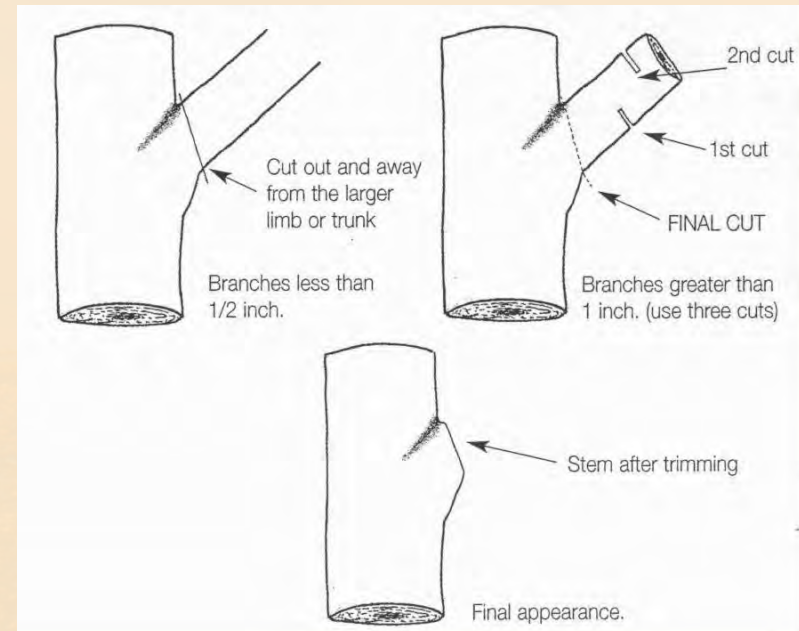
Objective: When trimming a branch, the desired result is a nice, clean cut against the branch side of the juncture of the branch and the limb (or trunk), leaving the branch collar in place. Damage to that junction will wound the tree (see diagram on right).

Equipment: Tools must be clean and free of oils. It is important that the tools are sharp for a clean cut. The wood at the cut should be smooth, not frayed. Frayed cuts may not heal properly and may be a source of infection. If fraying occurs, your trimmer's tools may not be sufficiently sharp. **Do not** use pesticides or pruning paint on any cuts. Pruning paint can seal in harmful fungi and bacteria and slows healing.

Herbicides: Herbicides may never be used on mangroves for trimming or otherwise. Clearcast® is the only herbicide recommended for Brazilian Pepper removal in mangroves. Other herbicides translocate through the roots of the exotic plants into the soil and affect neighboring mangroves. Obtain agency authorization or concurrence before using herbicides in a mangrove area.

Timing: Mangroves will only produce new leaves and fruits one-two times each year depending upon the climate in your area. Trimming is best done during the months of October through March, when mangrove growth is somewhat slowed and the plant's energy demand for producing flowers and propagules is reduced, leaving more energy for recovery from the trimming. However, this is also the time when mangroves are most susceptible to damage or death from freezes. Don't trim prior to an anticipated frost, or hurricane. The tree will need whatever leaves it can maintain to generate energy for recovery. To allow

for flowering and fruiting, and for a healthy mangrove area, regular trimming, once or twice a year at the most, will reduce stress to the tree in the future, allow propagule production, and will maintain your view.



Defoliation is stressful: If all or most of the leaves are trimmed off of a mangrove, its survivability is severely reduced. Red mangroves and large black mangroves are the most susceptible to death from defoliation. To prevent this from happening, it is recommended and generally required that no more than 25% of the foliage is removed annually from any tree. It is also recommended that the upper 50% of the canopy of tall red mangroves not be cut (i.e. no top trimming of red mangroves). The upper canopy of old, mature black mangroves also should not be removed to maintain the tree's vitality and habitat. See next page for 'window trimming'. Red mangroves lose their ability to resprout new branches from older parts of the tree (coppicing) especially when the diameter of the branch is greater than 1/2-1 inch thick. Removing most of the branch tips, which is where most of the new growth occurs, on a red mangrove can kill a tree.

Trimming Styles

Before trimming try to determine exactly where you would like a view and try to limit the trimming as much as possible. Trees can provide privacy and block the brightness of your neighbor's lights. If you are hedging the trees, consider leaving some areas with uneven heights or emergent stems to provide habitat and richer detrital output than flat-topped compact hedges. Alternate trimming styles can provide a 'healthier' view.



Windowed Red Mangroves along a residential complex



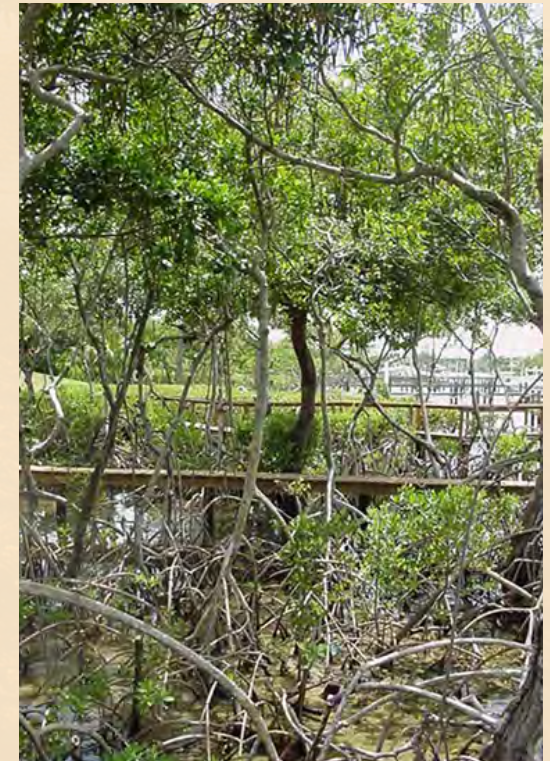
Hedged-trimmed Red Mangroves

Windowing: Is a view through large trees that can be obtained by selective limb removal within the lower or central area of the tree. Windowing allows for a view while maintaining shade, privacy, windbreak, and additional habitat for wildlife (especially birds). The bottom height of a window may not be lower than 6 ft. from the substrate. Arborists recommend that the window openings be no more than 1/3 of the canopy for smaller trees and not more than 1/5 of the canopy of larger trees.

Hedging: Not all trees can legally be trimmed down to 6 ft. hedges. Leaf mass must remain on the tree for the tree to continue its life processes. Red mangrove trimming is restricted to

above the lowest areas of leaf mass because the majority of their leaf mass is concentrated at the top and they do not resprout at older lower branches. Hedging is not recommended for red mangroves or mature black mangroves. If you have documentation of a historic trimming configuration with heights below 6 ft., continued trimming to those heights is only 'grandfathered' if no alteration occurs within the trimming area (see Page 18 'maintenance trim').

Undercutting: Undercutting is the trimming of the lower portion of a tree (below 6ft.). Undercutting is allowed, so long as defoliation of all or part of the tree does not occur, however it is not preferred due to the damage that can occur to mangrove propagules colonizing in that area. The young mangroves (<6 feet tall) may not be removed, defoliated or destroyed without an alteration permit or an ERP permit that allows for alteration. Consider a style of trimming that can maintain leaf mass and some open canopy (arboreal habitat). Mangrove leaves are an important source of nutrients for the smaller animals of the marine food chain, including sea grass and coral reef communities. Leaves that die naturally on the tree and then fall into the water are quickly biodegraded and available as a food source, unlike healthy leaves cut from the tree. Fresh cut green leaves will stay mostly intact lying on the substrate for months before total leaf breakdown. It is important to avoid frequent trimming in poorly flushed areas (if possible).



Undercut Mangroves

Trimming Styles—Continued

Design a view and that is comfortable for you while considering the benefits mangroves provide to your home, property, and the economies of our coastal counties and the state. Refer to species description section for additional trimming information.



A combination hedged and windowed Mangroves along with other landscaped plants



These homeowners decided to let their mangroves grow naturally. A small path provides access to their pier.



Mangroves along your seawall or rip rap provide additional fortification to the cement and rock structures.



House with a dock and untrimmed mangroves still retains privacy from passing boaters.

Red Mangroves (*Rhizophora mangle*)

Red mangroves (*Rhizophora mangle*) are characterized by their arching 'prop roots'. These roots, also referred to as 'aerial' or 'stilt' roots, extend from the main trunk and lateral branches and grow down into the substrate. Prop roots provide support for the tree and assist in

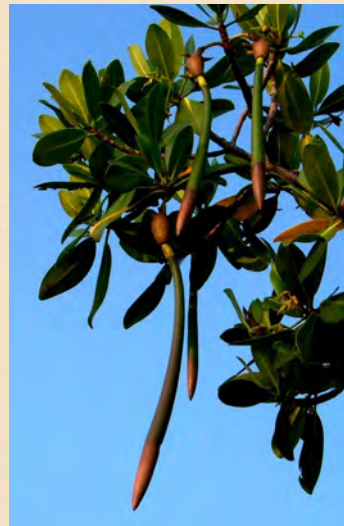


Red Mangrove prop-roots

nutrient uptake and gas exchange (through pores called 'lenticels'). They are also physiologically developed to prevent most salt infiltration through a 'salt exclusion' process. Red mangrove leaves are the largest of the three species. They are elliptical, glossy and dark green on top, and paler, dull green, often with tiny black spots, underneath. All three species have leaves that grow opposite each other

on the stem. The long propagules can float for over a year before establishing in a substrate. As the tip of the propagule gets saturated with water, it becomes heavy, falls to the substrate, and sends out roots that establish the propagule into a juvenile tree.

Red mangroves tend to grow closest to the water. Their extensive root system prevents erosion of coastal properties, stabilizing the shifting substrate of shorelines and provide sheltered structure for young fish, shellfish, and other invertebrates (tunicates, sponges, etc.). Wading birds use red mangrove prop roots and the tree's large, and sometimes horizontal limbs as refuge during high tides.



Red Mangrove propagules



Group of Red Mangrove emerging from the water

Trimming Guidance: Red mangroves are the most susceptible of the mangroves to damage from severe trimming. Red mangroves primarily grow from their branch tips "apical meristems". When most of the leaves and apical meristems are removed, the tree's survival is very doubtful because red mangrove stems greater than one inch thick do not grow back. This is why topping of red mangroves can be so damaging. Most horticultural web sites and publications warn against [topping trees](#). Red mangroves rarely recover from severe trimming and do not resprout most trimmed branches. These trees are best cut by trimming windows from the lower part of the canopy, so long as the bottom of the window is at least 6 ft. from the substrate to prevent illegal trimming of young mangroves growing into the windowed area. Remember that cutting of the aerial/prop roots is prohibited without authorization. The smooth roots are readily distinguished from the stems which have obvious scar rings completely encircling them.

Black Mangroves (*Avicennia germinans*)

Black mangroves (*Avicennia germinans*) are distinguished by leaves that are dull, dark green on the upper side and whitish green/gray underneath. The leaves aid in ridding the tree of salt, and salt crystals are often observed on the underside of the leaves. Black mangroves have an extensive underground cable root system that gives rise to above-ground pencil-like roots called pneumatophores. The pneumatophores are similar to the prop roots of the red mangrove in that they aid in air and nutrient uptake, but unlike red mangrove roots, black mangrove roots do not exclude much salt. Black mangrove roots take in salt-water and then the salt is extruded from the leaves ('salt extruders').

Black mangroves can grow to be quite tall, usually with a single main trunk that often has a large diameter. They are useful as windbreaks during severe weather. They are most attractive when the lower branches are trimmed (windowed) and the upper canopy is left intact or thinned. Their form, color and slender leaves often allow a pleasing, and somewhat private view from waterfront homes.

Black mangrove propagules (lima-bean shaped) are much smaller than red mangrove propagules and light grayish-green. They are not as hardy as red mangrove propagules, but can be free floating for several weeks before sprouting roots in a suitable environment. Black mangroves can tolerate more saline conditions than other mangroves and generally grow landward of the Mean High Water Line (MHWL).



Upper and lower views of a windowed black mangrove



Black mangrove leaves and fruits (propagules)

mangrove fringes saved property owners from incurring extensive property damage. These accounts occur worldwide and go to show the ability of mangrove fringes in protecting coastlines. Mangroves grow freely and are less costly to replace than seawall, riprap and roofs.

Black mangroves are known to coppice, producing new shoots from the base of the tree, when trimmed, leading to a multiple stemmed shrub.

Trimming Guidance: Black mangroves handle most trimming fairly well, however mature black mangroves are susceptible to excessive trimming and do not recover as well as younger trees. Because black mangroves have such strong, dense wood and are great wind breakers, windowing of the larger diameter trees is highly recommended. Following the hurricane season of 2005, the Department received many accounts of how untrimmed red and black



Characteristic pencil-like 'pneumatophores' of a black mangrove

White Mangroves (*Languncularia racemosa*)

White mangroves (*Laguncularia racemosa*) are characterized by paddle-shaped leaves that are uniformly light green on both their upper and lower surfaces. The leaves are characterized by being notched at the tip, and two small bump-like glands at the base of the leaf (petiole). The glands secrete sugar and are thought to attract ants which aide in the control of other small plant-eating insects.

White mangroves generally do not tolerate the same extent of flooding that black and red mangroves can tolerate. However, in some cases where there is good tidal flushing of the soils, white mangroves will sometimes grow waterward of the blacks and produce aboveground knobby, pneumatophore-like roots. The propagules are small,, vase-shaped and are the least hardy of the three.

Trimming Guidance: The white mangrove is the most tolerant of trimming, including hedging. They have reserve growth capability in their meristem. The meristem is a tissue along their trunks, and can provide reserve energy to help the tree recover from trimming. White mangroves can develop blocked vessels leaving parts of older trees weak. When trimming white mangroves, trim for balance of their weight as well as how they look.



White mangrove tree with two trunks and a balanced canopy over a mostly white mangrove hedge



White mangrove leaves and fruits



White Mangrove flowers and paddle-shaped leaves

Associate and Exotic Species

Buttonwood (*Conocarpus erectus*) typically grows in close association with mangroves and is often referred to as a mangrove, however, it is not a true mangrove and is not protected or regulated by the 1996 MTPA.

Buttonwood has leaves similar to black mangroves, however they are alternately placed on the stems (mangroves have opposite leaf placement), and the leaves are the same green color on both sides. The placement and color of the leaves and the angles that are apparent on most of the stems distinguish buttonwood from the three native Florida mangrove species. While they do not have any prop roots or pneumatophores, they may produce short, thin, and flexible adventitious roots on the lower trunk in areas of frequent saturation or inundation by water.

Buttonwood has two forms. The most common has green leaves. The rarer variety has leaves that are silvery green on both sides. This later form is often used in landscaping. In Miami-Dade County a Class I Permit is needed to trim buttonwood.



Buttonwood

Brazilian pepper (*Schinus terebinthefolius*) is an exotic shrub with compound leaves (multiple leaflets or blades form one leaf). Mangroves have simple leaves with only one blade. The leaves and wood of the plant are aromatic when crushed, and the oils can be irritating or toxic to some people. It has clusters of bright red berries that are toxic to wildlife. Pepper grows very dense, with branches that are often intertwined and difficult to penetrate.

Brazilian pepper also grows rapidly, typically crowding out other species, and blocking views. It typically grows within the landward edge of mangroves extending up the slope from the mangroves. When removing Brazilian pepper plants from the mangrove area, care must be taken not to cause destruction to the mangroves. A permit to alter the mangroves may be required when mangrove damage cannot be avoided. Homeowners are encouraged to completely remove pepper from their property whether they are obtaining a mangrove trimming or alteration permit or not.



Brazilian Pepper

Definitions

Trim: Means to cut mangrove branches, twigs, limbs and foliage, but does not mean to remove, defoliate, or destroy the mangroves.

Alter: Human-induced removal, defoliation, or destruction of mangroves.

Defoliate: “The removal of leaves by cutting or other means to the degree that the plant’s natural functions have been severely diminished or which result in the death of all or part of the mangrove”. (From the Pinellas and Hillsborough mangrove rules provided as guidance to prevent unauthorized alteration).

Lands set aside for conservation or preservation: These lands may be publicly owned such as parks (see S. 403.9325(6), F.S.), or privately owned such as conservation easements (see ‘Property restrictions’). S. 403.9323(2), F.S. specifically precludes trimming from occurring in these areas without a management plan or statement that specifically allows mangrove trimming. (Professional mangrove trimmer ‘PMT’, page 17).



Hedged trimmed mangrove fringe

Riparian Mangrove Fringe (RMF): Those areas where the mangroves start growing along the shoreline (see ‘shoreline’), do not exceed 24 ft. in height, and the band of mangroves along a shoreline is no more than 50 feet from the most landward trunk to the most waterward trunk in a line perpendicular to the shoreline. The RMF exemptions may not be used on uninhabited islands, mangrove islands, mitigation areas, or public or private lands set aside for conservation or preservation unless the documents for such areas specifically allow for mangrove trimming. RMF trimming is exempt from the need for permits (see page 16, for Exemptions).

Riparian property owner: The owner of lands that extend waterward to the mean high water line [MHWL]. The riparian property owner must provide permission to trim along their property and on the sovereign submerged lands immediately waterward of their riparian property. In many locations, an entity other than the state owns the lands between MHW and the dry, ‘upland’ portion of the property; in such cases, the landward property owner is not a riparian property owner.



Mangroves growing along a riparian shoreline

Definitions—Continued

Shoreline: (wetland line) For the purposes of the regulatory 1996 MTPA, the term 'shoreline' means the wetland and other surface water delineation line as determined using Rule 62-340, F.S. as directed in S. 403.9328(2)(a), F.S. If another wetland type is landward of the mangrove area, that mangrove area will not be considered as 'growing along the shoreline'.

Sovereign submerged lands (SSL): Those lands extending waterward from the MHWL owned by the state of Florida. The 1996 MTPA provides permission for riparian property owners to trim mangroves along their shorelines and on sovereign submerged lands immediately waterward of their property. In some cases, an authorization (permit) is also required.

Pre-trimmed height: The height of the mangroves immediately prior to any trimming event, whether it be the first time trimming, staged trimming, or maintenance trimming.



Mangrove forest growing in a tidal basin

Professional Mangrove Trimmer (PMT): A person who possesses a certification from one or more of the organizations listed in 403.9329 (1), F.S. or has obtained Departmental status by completing the requirements listed in 403.9329(2), F.S. A PMT is required for all trimming events under the General Permits, and certain exemptions.

Property restrictions: Legally binding covenants running with the land can restrict existing and future property owners from performing certain activities on the land. These may be in the form of a conservation easements or other deed restrictions. For mangrove trimming to occur within a conservation easement, the easement must have language that specifically allows for mangrove trimming. These covenants are recorded in the public land records, and accompany the deed for the property. Homeowners associations often have covenants that restrict certain activities on private property and common property under the control of the association. Trimming of riparian mangroves must be authorized by the 'riparian owner' whether it be an individual with a single family residence or a homeowner association for a community.

Mangrove: The 1996 MTPA defines the word mangrove to mean any specimen of the three native Florida species (*Rhizophora mangle*, *Avicennia germinans*, *Laguncularia racemosa*), also known as the Red, Black, and White mangroves. The Act does not distinguish between living and dead mangroves. Trimming regulations apply to both equally.



Dead Mangrove along the shore

Exemptions for Property Owners

Activities that qualify for an exemption may be conducted at no charge and without a permit.

There are five exemptions applicable to homeowners in the 1996 MTPA (Ss. 403.9326(1)(a), (b), (c), and (d), and S.403.9328(5), F.S.). These provisions and the rest of the 1996 MTPA may be viewed on the internet by searching for '1996 Mangrove Trimming & Preservation Act'. Additional exemptions exist for trimming by governments, utilities, and surveyors. Homeowners should review the definition of riparian mangrove fringe (RMF) in S. 403.9325(7), F.S., (summarized on Page 14). This term is critical when qualifying to use some of the trimming exemptions in S. 403.9326.

Conditions to qualify for an exemption:

- Only trimming, not alteration, may be performed. Defoliation is not allowed. The Act requires staged trimming, which is removal of not more than 25% of the leaves from any tree annually for trees taller than 16 ft. To prevent alteration and maintain healthy trees, the 25% limit should be applied to all mangroves regardless of height.
- Mangrove roots may not be trimmed. Cutting mangrove roots is considered alteration and needs a permit. Mangrove roots are smooth and distinguishable from branches and stems which have obvious scars that make a ring.
- Trimming may only be done with the permission of the riparian property owner. The trimming must be limited to the mangroves on the riparian property and on the sovereign submerged lands immediately waterward of that property. Trimming on another person's property is not authorized. The following is a summary of the conditions of the homeowner's exemptions, however, be sure to review the actual wording of the 1996 MTPA for all the applicable provisions.

Exemption 403.9326(1)(a), F.S.:

- Homeowners may trim the mangroves in an RMF, without a PMT, on their property and the sovereign submerged lands immediately waterward of the property when the mangrove height exceeds 6 feet, but is not taller than 10 feet, and the mangroves are not defoliated or reduced in height below 6 feet.
- For shorelines greater than 150 feet only 65% of the mangrove area may be trimmed. Area is determined by square feet of mangrove cover.

Exemption 403.9326(1)(b), F.S.:

- A PMT is required to trim in an RMF when the mangroves are 10-24 feet tall. Mangroves >24 feet tall are not exempt, and will require a permit in order to trim.
- Trees >16 feet tall prior to trimming must be trimmed in stages so that no more than 25% of their leaves are removed annually.
- For shorelines >150 ft., only 65% of the mangrove area may be trimmed. Area is determined by square feet of mangrove cover.

Exemption 403.9326(1)(c), F.S.:

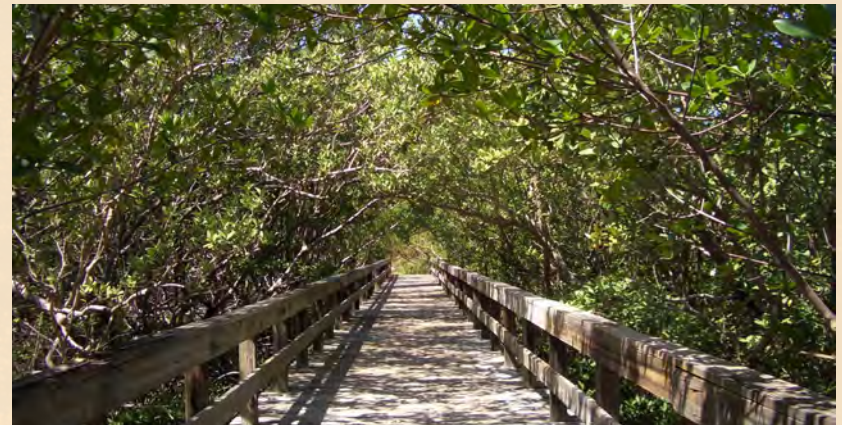
- A PMT may reestablish the height of a previous, legally-attained, RMF configuration if the mangroves are 10-24 feet tall in pre-trimmed height, and alteration will not occur. Verification of the historic trim must first be obtained from the agency.

Exemption 403.9326(1)(d), F.S., 'Maintenance Trim':

- Homeowners may 'maintain' a legally attained height and configuration without the use of a PMT. If the maintenance ceases for a period of time, reestablishment may only occur in an RMF. For all other areas, a new permit under S. 403.9328 is required.

Exemption 403.9328(5), F.S., 'Alteration Exemption':

- No permit or PMT is required to trim or alter mangroves within the footprint of an activity that has been exempted under S. 403.813 (1), F.S. or permitted under Part IV of Ch. 373, F.S. For example, one may trim the mangrove branches hanging directly over one's dock.



Trimmed Mangroves arching over boardwalk in Lovers Key

Professional Mangrove Trimmers (PMTs)

The following types of persons are considered to be professional mangrove trimmers based on certification in one of the following organizations, or who have demonstrated qualification under the 1996 MTPA:

- Arborists certified by the International Society of Arboriculture (ISA).
- Professional Wetland Scientists, certified by the Society of Wetland Scientists.
- Environmental Professionals, certified by the Academy of Board Certified Environmental Professionals (Florida Association of Environmental Professionals membership is insufficient).
- Ecologists certified by the Ecological Society of America.
- Landscape Architects currently licensed under part II of Chapter 481 and who have agreed to certain mangrove trimmer standards.
- Persons in receipt of PMT status from the Florida Department of Environmental Protection (in locations that are not delegated to local governments) or as recognized by a local government that has been delegated the state mangrove regulatory program from the DEP.

Note: Membership in an organization generally does not constitute certification by that organization.



Professional Mangrove Trimmer

PMTs are required to qualify for certain provisions under the MTPA:

- For trimming under an exemption to establish the desired height and configuration of the mangroves, where the mangroves are greater than 10 feet in height (S.403.9326(1)(b), F.S.).
- For trimming to reestablish a documented, historical, and legal height and configuration for the mangroves within a riparian mangrove fringe (RMF) and the mangroves are greater than 10 feet in height (S. 403.9326(1)(c), F.S.)
- Note that 'reestablishment' differs from 'maintenance' (See page 16). Reestablishment may only occur for an area that qualifies as an RMF.
- Trimming mangroves under a General Permit (S. 403.9327, F.S.)
- The Individual Permit (S. 403.9328, F.S.) does not specifically require a PMT, but does require reasonable assurance that the trimming will be compliant, therefore a PMT may be required.

Note: In all cases check the trimming experience of the person you are hiring. Contact your local mangrove regulatory office (page 20) for a trimmer's regulatory history and talk with other waterfront homeowners who have used various mangrove trimmers in your area.

For assistance in locating a PMT for your area, a searchable list of the [state mangrove trimmers](#) for non-delegated areas is provided. Note: the Department offers the list as a courtesy, the list is not intended as an endorsement for any PMT.

When a PMT is found in violation of the state mangrove trimming regulations in non-delegated areas, the violation will be noted on the state PMT list.

If your property is in a delegated area, contact the local agency for your area (page 20). Please be aware that the applicant, permittee, landowner and the trimmer/PMT are held jointly and severally liable for violations under the 1996 MTPA, unless Department or delegated local government staff can determine the lack of involvement for any party. Always take date stamped photographs before and after each trimming event to document the heights and conditions of the mangroves.

Maintenance Trimming

Most of the provisions of the 1996 MTPA allow mangroves to be trimmed no lower than 6 feet in height from the substrate. This does not mean that everyone will be able to trim their mangroves down to a height of 6 feet.

For example, if trimming to such a height can be expected to result in the removal, defoliation, or destruction of a mangrove, the cutting is considered alteration and would not qualify as trimming. A permit would be required for such alteration, and it may or may not be issued. While staged trimming is not required, it is strongly advised. Elimination of multiple trunks will likely be considered alteration.

The 1996 MTPA includes two exceptions to this 6 foot height limitation:

- To reestablish a previous, legally-attained configuration within an RMF (S. 403.9326 (1)(c), F.S.)
- To maintain mangroves in accordance with a previous configuration attained through an exemption or previous government authorization (S. 403.9326(1)(d), F.S.).

In both cases, the reestablishment and maintenance cannot result in the destruction, defoliation, or removal of any mangroves growing within the trimmed area. If some of the mangroves are being killed by trimming to the lower height, the owner will be told to let the mangroves grow up to at least 6 ft. in height. For reestablishment, the property owner must provide believable documentation of the prior configuration.

Documentation includes:

- information on when and specifically where on the property the prior height and configuration was attained (so the agencies may determine if such height and configuration was legally achieved)
- copies of permits or acknowledgement of exempt status from all applicable agencies where available. This may include copies of letters from the DEP acknowledging the 'grandfathered' ability to trim below 6 feet, or a letter to the DEP under the provision of rule 62-321.060, F.A.C. (one of the former state mangrove rules);
- affidavits from persons attesting to their knowledge of the previous mangrove configuration may be accepted.

There are a few coastal communities where most of the waterfront property owners previously legally achieved and maintained a mangrove height and configuration below 6 feet; in other communities, only a few of the properties have such a configuration; and copies of dated photos.

You may expect DEP staff to request to view the above documentation during field compliance checks. If you do not have the necessary documentation, and

you are not in one of the rare, fully documented communities, DEP staff may conclude that the mangroves on your property do not qualify to be reduced to a height of less than 6 feet from the substrate without a permit and require you to let the mangroves grow up to the current legal height of 6 feet.



General Permit – Individual Permit

General Permit (GP):

Activities that do not qualify for one of the exemptions described on page 16 may qualify for a General Permit. Limitations pertinent to both GPs include:

- Riparian property owner authorization is required;
- A PMT must be used and identified to the agency prior to trimming;
- No tree may not be trimmed lower than 6 feet;
- Trimming must be conducted in stages so that no more than 25% of the foliage is removed annually.
- GPs may only be issued once per property. If the trimming attained is not maintained under S. 403.9326(1)(d), an Individual Permit will be required for future trimming;
- An application fully describing the proposed trimming and a \$250 fee must be submitted to the DEP district office before beginning any work under a general permit. A suggested [General Permit application](#) form is provided (scroll down to 'Mangrove Trimming').

GP for View under S. 403.9327(1)(a), F.S.:

- The mangrove area must start at the shoreline ('wetland line');
- The mangrove area subject to trimming must not be more than 500 feet deep (measured from the most landward to most waterward trunk in a line perpendicular to the shoreline) and the mangrove cover must be continuous. While measuring this distance, once open navigable water, salterns, or other wetland types are encountered, no further waterward trimming may occur under this statute;
- Only 65% of the qualifying area of mangroves may be trimmed.
- Equitable distribution of the 65% trim are must occur for multi-family units along a common shoreline. This ensures that each unit obtains of view, where applicable.

GP for limited trimming of mangroves under 403.9327(1)(b), F.S.:

- Trimming is limited to those portions of branches or trunks of mangroves that extend into the navigation channel beyond the vertical plane or the most waterward prop root or root system.

Individual Permit (IP):

An individual permit may be applied for all other trimmings or alterations:

- that cannot be conducted under an exemption or GP;
- that will result in alteration of mangroves, e.g. extensive exotic plant removal (see photo below);
- when the applicant proposes to use a trimmer who is not a PMT. A PMT is not required to conduct the trimming or alteration under S. 403.9328, however Individual Permits are subject to review under Chapter 373.414(1) and (8), which in part require reasonable assurance that the activity will be conducted properly in accordance with the 1996 MTPA and the permit conditions., which includes a person who knows how to trim mangroves.

The [application](#) must provide the entire scope of the proposed activity and how it will be conducted. A fee of between \$420 and \$830 is required (depending on the number of mangroves to be trimmed or altered). Agency staff should be contacted for additional information. Pre-Application meetings are highly recommended for both GP and IP trimming to save the applicant time, effort and cost.



An Individual Permit should be used if mangrove alteration is possible from trimming or exotic removal

Statewide Contacts

FDEP OFFICES

Northwest District Office

Pensacola Office

(850) 595-8300

Panama City Branch Office

(850) 872-4375

Tallahassee Branch Office

(850) 245-8428

Northeast District Office

Jacksonville Office

(904) 256-1700

Central District Office

Orlando Office

(407) 897-4100

Southwest District Office

Tampa Office

(813) 470-5700

Southeast District Office

West Palm Beach Office

(561) 681-6600

Port St. Lucie Branch Office

(772) 467-5500

South District Office

Ft. Myers Office

(239) 344-5600

Monroe County Branch Office

(305) 289-7070

LOCAL DELEGATED GOVERNMENTS

Miami-Dade Co.

Coastal Resources Section, DERM

Phone: (305) 372-6575, FAX (305) 372-6479

<http://www.miamidade.gov/development/permits/class-1.asp>

Broward Co.

Development & Environmental Regulation

Division and Engineering

Phone: (954) 519-1230

<http://www.broward.org/Regulation/Engineering/Pages/MangroveTrimming.aspx>

Town of Jupiter Island

Building Department

Phone: (772) 545-0150

http://www.townofjupiterisland.com/d_building.php

City of Sanibel

Natural Resources Department

Phone: (941) 472-3700

<http://www.mysanibel.com/Departments/Natural-Resources/Vegetation-Information/Mangroves>

Pinellas Co.

Water & Navigation Section, Environmental Mgmt.

Phone: (727) 453-3385

<http://www.pinellascounty.org/environment/watershed/mangroves.htm>

Hillsborough Co.

Wetlands Mgmt., HEPC

813-627-2600

<http://www.epchc.org/index.aspx?nid=229>

MANGROVE COORDINATOR

Daniel Sensi

State Mangrove Coordinator

Submerged Lands and Environmental

Resource Coordination Program

Florida Department of Environmental Protection

2600 Blair Stone Road, M.S. 2500

Tallahassee, FL 32399-2400

daniel.sensi@dep.state.fl.us

Office: (850)245-8428

Contact for information on:

- Locating a Professional Mangrove Trimmer (PMT) for your area
- Information on how to apply for PMT status
- Questions on mangrove trimming & alteration
- Ecological information on mangroves



The preparation of the first edition of this booklet was funded in part by an EPA grant through a contract with the FDEP. This second edition is available electronically on FDEP website.

<http://www.dep.state.fl.us/water/wetlands/mangroves/index.htm>

*Second Edition



CREDITS

TEXT

Daniel Sensi*, Katherine Gilbert & Douglas Fry
Submerged Lands & Environmental
Resource Coordination Program
Florida Department of Environmental Protection

Peer Reviewed By

Daniel Sensi*, Donna Kendall*, & Allyson Minick*; FDEP

PHOTOS

Lori Ann Pollgreen, Geographic Design Company
Capt. Vic Davis, Barefoot Charters
John Tobe, Ecological Resource Consultants, Inc.
Katherine Gilbert, Formerly with the FDEP
Allyson Minick*, FDEP
<https://creativecommons.org/licenses/by-nc-sa/2.0/legalcode>

DRAWINGS

John Tobe , Ecological Resource Consultants, Inc.

LAYOUT & DESIGN

Daniel Sensi*, FDEP

Additional Websites

Florida Department of Environmental Protection's Webpage

<http://www.dep.state.fl.us/>

FDEP Submerged Lands and Environmental Resource Coordination

<http://www.dep.state.fl.us/mainpage/programs/wetlands.htm>

FDEP Mangrove Coordination

<http://www.dep.state.fl.us/water/wetlands/mangroves/index.htm>

FDEP Delegated Local Governments

http://www.dep.state.fl.us/water/wetlands/mangroves/mangrove_trimming.htm

FDEP List of Professional Mangrove Trimmers

<http://www.dep.state.fl.us/water/wetlands/mangroves/pmt.htm>

FDEP Mangrove Trimming and Preservation Act

<http://www.dep.state.fl.us/water/wetlands/mangroves/docs/mtpa96.pdf>

FDEP Mangrove Trimming and Alteration Application

<http://www.dep.state.fl.us/water/wetlands/erp/forms.htm#mangrove>

International Society of Arboriculture

<http://www.isa-arbor.com/home.aspx>

Society of Professional Wetland Scientists

<http://www.wetlandcert.org/index.html>

Academy of Certified Environmental Professionals

<http://www.abcep.org/>

Ecological Society of America

<http://www.esa.org/esa/>

Landscape Architects

<https://www.myfloridalicense.com/intentions2.asp?chBoard=true&boardid=13>

Horticulture Information on Tree Topping

<http://www.treesaregood.com/treecare/topping.aspx>





