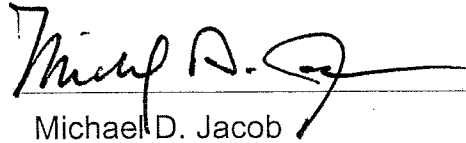


**MEMORANDUM**  
**FROM THE**  
**OFFICE OF COUNTY ATTORNEY**

**DATE:** November 10, 2008

**To:** Distribution Below

**FROM:**



Michael D. Jacob  
Assistant County Attorney

**RE: ORDINANCE: EAGLE ORDINANCE (08-25)**  
**LU-07-12-878 R**

On October 28, 2008, the Lee County Board of County Commissioners adopted Lee County Ordinance No. 08-25, the Eagle Ordinance. Lee County Ordinance No. 08-25 carries an effective date as follows:

"This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State."

Ordinance No. 08-25 was filed in the Office of the Secretary of the Florida Department of State on November 3, 2008; it is now effective.

I believe you will find everything to be satisfactory, but please call if you have any questions.

MDJ/tlb

Attachment

cc via email only:

Andrea R. Fraser, Deputy County Attorney  
Donna Marie Collins, Chief Asst. County Attorney  
Gregory Hagen, Chief Asst. County Attorney  
Dawn E. Perry-Lehnert, Assistant County Attorney  
John Fredyma, Asst. County Attorney  
Robert D. Spickerman, Asst. County Attorney  
Donald D. Stilwell, County Manager  
William Hammond, Deputy County Manager  
James Lavender, Director, Public Works Adm.  
James Moore, Interim Director, Economic Dev.  
Mary Gibbs, Director, Dept. of Community Dev.  
Peter J. Eckenrode, Director, Dev. Services Div.  
Sue Lange, Budget Services  
Charlie Green, Clerk of Courts  
Libby Walker, Public Resources Coordinator  
Rick Roberts, Chief Code Enforcement Officer  
Diana Parker, Chief Hearing Examiner

John Wilson, Director, Public Safety  
Pam Houck, Dir. of Zoning, Dev. Services Div.  
Scott Gilbertson, Director, LDOT  
Paul O'Connor, Director, Planning Division  
Receptionist to County Commissioners  
Nettie Richardson, Principal Planner, DCD  
Matt Noble, DCD/Planning  
Becky Sweigert, Environmental Planner, Sr, DCD  
Georgia Sekulski, Public Resources  
Janet Miller, Planning Division (for LPA purposes)  
Audra Ennis, Impact Fee Coordinator  
Audrey Vance, Esq., City Atty, City of Bonita Springs



## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

November 3, 2008

Honorable Charlie Green  
Clerk of Court  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attention: Ms. Marcia Wilson, Deputy Clerk

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 30, 2008 and certified copy of Lee County Ordinance No. 08-25, which was filed in this office on November 3, 2008.

Sincerely,

Liz Cloud  
Program Administrator

LC/srd

RECEIVED  
MINUTES OFFICE

2008 NOV -7 PM 1:40

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dliis.dos.state.fl.us>

COMMUNITY DEVELOPMENT  
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA  
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STATE ARCHIVES OF FLORIDA  
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LEGISLATIVE LIBRARY SERVICE  
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES  
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY  
850.245.6270 • FAX: 850.245.6282

LEE COUNTY ORDINANCE NO. 08-25

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE (LDC) CHAPTER 14 (ENVIRONMENT AND NATURAL RESOURCES) TO ESTABLISH MANDATORY REQUIREMENTS REGARDING CRITICAL EAGLE NESTING HABITAT; AMENDING PURPOSE OF DIVISION (§14-111); CREATING DEFINITIONS OF "ACTIVE NEST", "ALTERNATE NEST", "FLEDGLING", "FLIGHT PATH", "INACTIVE NEST", "LOST NEST", "NESTLING", "PERCH TREE" AND "USFWS" AND AMENDING EXISTING DEFINITIONS (§14-112); AMENDING VIOLATION OF DIVISION; PENALTY (§14-113); PROVISIONS OF DIVISION SUPPLEMENTAL (§14-114); APPLICABILITY OF DIVISION (§14-115); EAGLE TECHNICAL ADVISORY COMMITTEE (§14-116); PUBLIC ACQUISITION OF RIGHTS AND INTEREST IN CRITICAL EAGLE NESTING HABITAT LANDS (§14-117); NOTIFICATION PROCEDURE (§14-118); MECHANISMS FOR THE PROTECTION OF CRITICAL EAGLE NESTING HABITAT (§14-119); COMPENSATION INCENTIVES FOR PROTECTION OF CRITICAL EAGLE NESTING HABITAT (§14-120); AND PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners ("Board"), is the governing body in and for Lee County;

WHEREAS, the Legislature of the State of Florida has authorized and delegated in Chapter 125 Florida Statutes, the responsibility to counties to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry;

WHEREAS, the Board of County Commissioners adopted the Lee County Land Development Code (LDC), which contains regulations applicable to the development of land in Lee County;

WHEREAS, Lee Plan Goal 107: Resource Protection, requires Lee County to manage the County's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics;

WHEREAS, Lee Plan Objective 107.3: Wildlife, requires Lee County to maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system;

WHEREAS, Lee Plan Policy 107.3.1 requires Lee County to encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and to promote wildlife conservation;

WHEREAS, Lee Plan Policy 107.3.2 requires Lee County to participate with the Southwest Florida Regional Planning Council and the Florida Fish and Wildlife Conservation Commission (FWC) in the development of a regional plan that identifies and protects areas utilized by wildlife to promote the continued viability and diversity of regional species;

WHEREAS, Lee Plan Objective 107.6: Southern bald eagles, requires the County to continue to monitor Southern bald eagle nesting activity and offers incentives to conserve buffer areas around Southern bald eagle nests;

WHEREAS, Lee Plan Policy 107.6.1 requires Lee County to maintain a policy of negotiations with owners of land surrounding eagle nests to provide an optimal management plan for land subject to imminent development;

WHEREAS, Lee Plan Policy 107.6.2 requires Lee County's Eagle Technical Advisory Committee to continue to conduct nest monitoring through the nesting season for all known eagle nests in Lee County and to use the information gathered from these assessments to modify, as needed, the adopted nest guidelines and to adopt guidelines for new eagle nests documented in Lee County;

WHEREAS, Lee County recognizes that the Florida Fish and Wildlife Conservation Commission has adopted a Bald Eagle Management Plan and an implementing regulation, Rule 68B-16.002, Florida Administrative Code and Lee County desires to work cooperatively with FWC to implement and to achieve consistency with the FWC management plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION ONE:     AMENDMENT TO LAND DEVELOPMENT CODE CHAPTER 14

Lee County Land Development Code Chapter 14 is hereby amended as follows, with deleted text identified with strike through and additional text identified with underlining.

CHAPTER 14  
ARTICLE II  
DIVISION 3. SOUTHERN BALD EAGLE

**Sec. 14-111. Purpose of division**

In order to ~~protect and preserve~~ maintain a stable or increasing population of the southern bald eagle in Lee County by protecting eagle habitat, it is necessary and appropriate to protect, enhance, and preserve the nest of the eagle and its immediate environs. With reasonable land compensation incentives and proper habitat management, the southern bald eagle population in the county can be maintained. This division is intended to protect the critical nesting habitat of the southern bald eagle and promote national, state, and county pride and esteem by negotiating with owners of land surrounding eagle nests to provide an optimal management plan for land subject to imminent development, including providing special compensation incentives to private property owners for loss of property committed to critical southern bald eagle nesting habitat. This division is also intended to provide information and assistance to property owners to enable them to avoid violations of county, state and federal law. ~~The landowner has the opportunity to choose one of several options. One can do an eagle management plan which should assist significantly in the state and federal permitting process; one can bypass this division and deal directly with the state and federal governments; or one can do nothing and take the chance of being in violation of state and federal law.~~

**Sec. 14-112. Definitions.**

The following words, terms and phrases, when used in this division, ~~shall~~ have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Active nest** means a nest that shows or showed evidence of breeding by bald eagles, such as an adult attending the nest or in incubating position, a clutch of eggs, or a brood of nestlings, at any time during the current or most recent nesting season.

**Abandoned nest** means a nest which ~~has not been occupied by the southern bald eagle for the hatching and nurturing of eagle young for a period of four consecutive years or has been determined to be abandoned by the eagle technical advisory committee~~ is intact or partially intact but has been inactive through five or more consecutive nesting seasons.

**Alternate nest** means a nest that is intact or partially intact and has been used by bald eagles at any time during the past five nesting seasons, but was not used during the current or most recent nesting season. An inactive nest is considered to be an alternate nest until it has been inactive for five consecutive nesting seasons, at which time it becomes an abandoned nest.

**Buffer area** means that area designated by the Board of County Commissioners in accordance with section 14-119 that must remain predominantly in its natural state to protect eagles, nest trees, or other critical eagle nesting habitat. Buffer areas may range in any distance up to ~~750~~660 feet from a nest and be irregularly shaped areas, except that a larger buffer area may be offered voluntarily in accordance with section 14-120(3).

**Critical eagle nesting habitat** means habitat which, if lost, ~~would~~ result in the elimination of nesting eagles from the area in question. Critical eagle nesting habitat typically provides functions for the southern bald eagle during the nesting portion of that species' life cycle. This area includes eagle nest trees and their immediate environs and may include other areas or features such as perch trees, ~~flyways~~flight paths, and ~~secondary~~alternate nests within the buffer area.

**FGFWFCFWC** means the Florida ~~Game and Fresh Water~~Fish and Wildlife Conservation Commission or its successor.

**Fledgling** means a young eagle that is capable of flight and has left the nest, usually at 10-12 weeks of age. Fledglings may return to the nest for several weeks to be fed or to roost.

**Flight path** means the route within the buffer area most frequently traveled by eagles directly to and from their nest, perch trees, and important foraging areas.

**Inactive nest** means a nest that was not used during the current or most recent nesting season.

**Lost nest** means a nest where the nest or nest tree is destroyed by natural causes (e.g., nest that fell apart or was blown out of a tree, or tree itself was lost) and is not rebuilt in the same tree within three nesting seasons.

**Nesting period season** means the period of time, from October 1 to May 15, ~~for most southern bald eagles, during which courtship, nest building, egg laying, incubation, brooding and the fledgling of the young occur unless the young fledge before or after May 15.~~

**Nestling** means a young eagle (eaglet) that is incapable of flight and is dependent on its parents. Once an eaglet fledges (i.e., leaves the nest), it becomes a fledgling.

**Perch tree** means a tree used by bald eagles for resting, sleeping, foraging, hunting, feeding, lookout, display or thermal benefit.

**Southern bald eagle** (*Haliaeetus leucocephalus*), ~~as per the federal and state threatened species list,~~ means a mature eagle with white plumage on its head and tail feathers, or an immature eagle with dark plumage, which resides throughout the state around estuarine areas and along the lakes and river drainage basins within the interior of the state and county.

~~**Unified control** means the unrestricted right of any owner or agent to enforce whatever conditions are placed on the use and development of a parcel of land through the provisions of this division, by binding his heirs, assigns or other successors in title with covenants or restrictions on the development and subsequent use of property~~has the same meaning as defined in section 10-1.

**USFWS** means the United States Fish and Wildlife Service or its successor.

**Sec. 14-113. Violation of division; penalty.**

(a) through (c) *No change.*

(d) Lee County will notify the FWC of wildlife complaints or potential FWC rule violations. Lee County will coordinate with FWC in enforcement activities.

**Sec. 14-114. Provisions of division supplemental.**

This division does not replace the Federal Endangered Species Act, the Federal Migratory Bird Treaty Act, the Federal Bald and Golden Eagle Protection Act, or the Florida Endangered Species Act, or the permitting requirements of FWC's Bald Eagle Permitting Framework, that is incorporated in FWC Rule 68A-16.002, Florida Administrative Code, but is intended to supplement those laws to ensure protection of critical eagle nesting habitat in Lee County.

**Sec. 14-115. Applicability of division**

~~This division will apply unless, prior to commencement of development which is subject to conditions imposed under this division, where applicable, the property owner elects, in writing, not to participate. This division applies only to all real property within 750660 feet (or 750 feet pursuant to section 14-120(3)) of a nest unless the nest has been determined to be abandoned or lost. Abandonment will be determined by the eagle technical advisory committee based on competent evidence but in no event will be more than four years. Compliance with this division will be required prior to receiving a building permit, development order, zoning approval, notice of clearing, vegetation removal permits or amendments thereto.~~

**Sec. 14-116. Eagle technical advisory committee.**

(a) through (d) *No change.*

~~(e) The county department of community development, division of natural resources management~~environmental sciences division, with assistance from the county attorney's office will serve as support staff to the eagle technical advisory committee.

(f) The eagle technical advisory committee will ~~determine occupancy of document~~ and report to the FWC the presence of new or relocated southern bald eagle nests not included on FGFWFC FWC's annual southern bald eagle nesting survey.

(g) The eagle technical advisory committee, with assistance of appropriate staff, will maintain and update as necessary a list or map of ~~occupied~~ active, abandoned and alternate southern bald eagle nests and will monitor nest sites on a regular basis, with the permission of the property owner, if required.

**Sec. 14-117. Public acquisition of rights and interest in critical eagle nesting habitat lands.**

(a) The county may acquire rights and interests in real property designated as a critical eagle nesting habitat. When a developer or property owner cannot accommodate critical eagle nesting habitat through reasonable site planning or proper access, the county may acquire an interest through:

(1) through (5) *No change.*

~~(b) Monies needed for the purchase of critical eagle nesting habitat, or the purchase of conservation easements to protect these habitats, may be funded by public and private donations. Funding may also be solicited in a general community appeal on license tag renewals and ad valorem tax envelopes issued by the county tax collector, and by monies appropriated from the general fund by the Board of County Commissioners from time to time. All funds received and the earnings from such funds will be escrowed in a special account for use in the acquisition of critical eagle nesting habitat or the purchase of conservation easements.~~

**Sec. 14.118. Notification procedure.**

Lee County will notify the FGFWFC FWC and the ~~U.S. Fish and Wildlife Service~~USFWS upon receipt of any application for a planned development rezoning, a development order, a notice of clearing, or a building permit for any property located within 750660 feet of a nest. The notice must include any available information gathered by the eagle technical advisory committee regarding the behavior of the eagles who are occupying the nest.

**Sec. 14-119. Mechanisms for the protection of critical eagle nesting habitat.**

(a) Construction of sSingle- or two-family dwelling unit (including accessory structures.) Appropriate conditions limiting or prohibiting development during the nesting season may be attached to building permit approvals for property to which this division is applicable where such conditions are deemed necessary by the director of the department of community development (or designee) to prevent a "take" of the eagle, as that term is defined in FAC rule 39-1.004(77) loss of critical eagle nesting habitat. Such conditions may



include, but are not limited to, defining the dates, equipment, and hours of operation for exterior construction to avoid disturbing a nesting eagle, eggs or nestlings.

(b) *Agricultural activities.* All persons intending to conduct new agricultural activities on property to which this division is applicable ~~are encouraged to~~ must consult with Lee County staff and the eagle technical advisory committee prior to ~~submittal~~ approval of an application for a notice of clearing or the commencement of ~~clearing~~ activities. Any improvements within 330' must be conducted with a bald eagle management plan consistent with the FWC Bald Eagle Management Plan and designed to protect the habitat. Any proposal for improvements within 330' must indicate that the crop planting or harvesting will not occur during nesting season to avoid impacts to the bald eagle habitat.

(c) *All other development.*

(1) All persons contemplating the development of property to which this division is applicable are encouraged to consult with the eagle technical advisory committee and the ~~division of natural resources management~~ environmental sciences division as early in the planning and design process as possible to ensure enhancement or protection of critical eagle nesting habitat within the buffer area. No construction (structures or site work) may occur within 660 feet during the nesting season, unless otherwise modified in an approved bald eagle management plan.

(2) With assistance from the eagle technical advisory committee, all such persons are ~~encouraged~~ required to prepare a management plan that protects critical eagle nesting habitat. ~~All such management plans will be reviewed by Lee County staff and the eagle technical advisory committee prior to approval by resolution of the Board of County Commissioners. However, no new bald eagle management plan will be required for projects in which a bald eagle management plan was submitted to and accepted by Lee County to support a building permit, local development order, Development of Regional Impact, or zoning application approval. A new or amended bald eagle management plan will be required if subsequent development or a change in use is proposed that is inconsistent with the previously reviewed bald eagle management plan, or if a new or revised bald eagle management plan is required by condition or stipulation of the existing authorization.~~

a. Prior to consideration and approval by resolution of the Board of County Commissioners, all eagle management plans must be submitted and will be reviewed by environmental sciences staff and ETAC.

b. ETAC must recommend approval, denial, or approval of the proposed eagle management plan with conditions, or continue consideration of the proposed eagle management plan until the next meeting date in order to seek technical advice from outside sources or to meet further with the applicant to revise or modify the proposed eagle management plan. If ETAC lacks a quorum for a period of 90 days then ES staff can

recommend to formally review and transmit the proposed bald eagle management plan to the Board of County Commissioners without ETAC recommendations.

c. Evidence of the ETAC decision and findings of fact must be by the record of the proceedings of the ETAC meeting.

d. Staff will present the proposed bald eagle management plan to the Board of County Commissioners, along with the written staff opinion and the ETAC recommendation, if any.

(3) *No change.*

(4) Management plans to protect or enhance critical eagle nesting habitat, must ~~address~~include, at a minimum, the following items, where applicable:

a. Description of the landscape ~~around~~within and surrounding the critical eagle nesting habitat, including FLUCCFS map, locations and height of active and alternate nest tree and perch tree, vegetation types, tree survey, and a description of the location, height, types~~species~~ and density of understory and canopy vegetation;

b. *No change.*

c. A one inch equals 200 feet aerial map and a map at the scale of the development ~~which~~that shows the location of the eagle's nest, flight path to and from the nest, location and size of visual obstacles, such as trees, between the nest and proposed development, nearest known foraging area for the eagle, location and type of existing and permitted developments within 1500 feet of the nest, and other critical eagle nesting habitat features as well as the proposed development;

d. The boundaries, size, and shape of the proposed buffer area;

e. Conservation Measures designed to reduce~~minimize~~ potential adverse impacts of the development on the nesting bald eagles that may result in abandonment of the nest, including but not limited to, establishment of a planted landscape buffer, construction phasing indicating timing and location of construction activities during nesting and non-nesting periods, i.e. no construction within 330 feet of a nest during nesting season, height limits on buildings within the buffer area, protection of the flight path and the nesting tree, monitoring of eagles and nests using the federal monitoring guidelines, conservation easement, and other necessary measures to protect or enhance critical eagle nesting habitat;

f. ~~A critical eagle nesting habitat management plan which shall include~~  
Techniques to maintain viable nesting habitat. These techniques may include controlled burning, planting, or removal of vegetation, invasive exotic species control, maintaining hydrologic regimes, and monitoring;

g. through h. *No change.*

(5) *No change.*

(6) In determining whether the proposed project and conservation measures protect or enhance eagle habitat in accordance with this division and the Lee Plan, division of environmental sciences staff and the eagle technical advisory committee will consider the intensity of the proposed and existing development, quality of habitat, behavior of the specific nesting eagles, extent of measures proposed in the eagle management plan, and the consistency with the guidelines promulgated by FGFWFC FWC and the U.S. Fish and Wildlife Service USFWS in the review of management plans and may request technical assistance from the FGFWFC FWC or the U.S. Fish and Wildlife Service USFWS whenever necessary. This review will be the basis of staff and ETAC's recommendation to the Board of County Commissioners.

(7) *No change.*

#### **Sec. 14-120. Compensation incentives for protection of critical eagle nesting habitat.**

~~Incentives for the preservation of critical eagle nesting habitat pursuant to approved management plans will be granted in accordance with the standards in section 10-474(e) provided, however, that nothing in this section may be construed to impair the value of incentives previously approved by the Board of County Commissioners pursuant to Ordinance No. 86-15.~~

~~In addition to the incentives already provided herein, If the Board of County Commissioners elects not to acquire a critical eagle nesting habitat, then the board may permit all or some of the following special compensation benefits as incentives to the developer or property owner for the purpose of protecting critical eagle nesting habitat in exchange for the property owner's agreement to institute mechanisms for protection or enhancement of critical eagle nesting habitat on the property:~~

(1) For a buffer area of ~~350~~ 330 feet in radius or an approximate equivalent acreage, minimum, the following benefits will be granted:

a. through b. *No change.*

(2) For a buffer area of ~~550~~ 660 feet in radius or an approximate equivalent acreage, the following benefits, in addition to those set forth in subsection (1) of this section, ~~shall~~ may be granted:

a. The county ~~shall~~ will waive the zoning application fee on the subject property; and, if applicable, ~~one other parcel under unified control;~~

b. The county ~~shall~~will waive building permit application fees on the subject property; ~~and, if applicable, one other parcel under unified control; and~~

c. The county ~~shall~~will waive development review related fees on the subject property; ~~and, if applicable, one other parcel under unified control; and~~

d. The eagle preserve will be available to offset any indigenous preserve or open space requirement at a ratio of 1.5:1 (1.5 acre of indigenous preserve or open space area is offset by each acre of eagle preserve); provided however, that such incentive has not already been applied in accordance with section 10-415(b)(3) or section 10-474(e).

(3) For a buffer area of 750 feet in radius, or an approximate equivalent acreage, the following benefits, in addition to those set forth in (1) and (2) of this section, ~~shall~~will be granted: The county ~~shall~~will provide a credit against regional park impact fees on the subject property, and if applicable, one other parcel under unified control located within the same regional park impact fee district. In no event ~~shall~~will the credit towards regional park impact fee exceed the appraised value of the dedicated land.

(4) In order to receive the benefits mentioned in this section, the buffer areas ~~shall must~~ be designated as critical eagle nesting habitat and ~~shall must~~ be conveyed to the county by either warranty deed or by dedication of a perpetual conservation easement.

~~(5) The increase in buffer area beyond the minimum radius is directly proportional to additional incentive benefits which may be requested and may be received by the developer or property owner pursuant to the terms of this division.~~

~~(6)~~ In no event will the amount of fees waived or credited set forth in subsections (2) and (3) of this section exceed twice the appraised value of the buffer area conveyed to the county. The appraised value ~~shall~~will be based on two current documented appraisals of the fair market value or sales price of the land. Appraisals must be prepared by qualified appraisers and are subject to approval by the county administrator.

## **SECTION TWO: CONFLICTS OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

## **SECTION THREE: SEVERABILITY**

It is the Board of County Commissioner's intent that if any section, subsection, clause, or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further

declares its intent that this ordinance would have been adopted if such unconstitutional provision was not included.

**SECTION FOUR: CODIFICATION AND SCRIVENER'S**

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Land Development Code, and that sections of this ordinance can be renumbered or re-lettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or re-lettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

**SECTION FIVE: EFFECTIVE DATE**

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

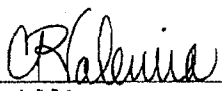
Commissioner Mann made a motion to adopt the foregoing ordinance, seconded by Commissioner Hall. The vote was as follows:

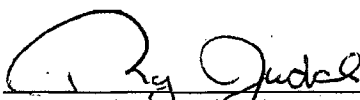
Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND DATED THIS 28<sup>th</sup> DAY OF OCTOBER, 2008.

ATTEST:  
CHARLIE GREEN, CLERK

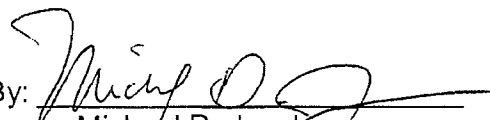
BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By:   
Deputy Clerk

By:   
Ray Judah, Chair



APPROVED AS TO FORM:

By:   
Michael D. Jacob  
Office of County Attorney