

WALK ON #4

ANS

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20041679

1. **REQUESTED MOTION:**

ACTION REQUESTED: Provide direction and/or authorization to Lee County staff to proceed with activities for the removal of Iguana from Gasparilla Island, as such area is becoming grossly over populated with the non-native reptiles.

WHY ACTION IS NECESSARY: In accordance with Lee Co. Ord. 83-16, Board of County Commissioner approval is required prior to removing and/or disturbing wildlife on Gasparilla Island.

WHAT THE ACTION ACCOMPLISHES: Provides required direction and/or authorization to county staff to proceed with activities for the removal of Iguana from Gasparilla Island.

2. DEPARTMENTAL CATEGORY: COMMISSION DISTRICT #:		ALL		3. MEETING DATE: 12-14-2004	
4. AGENDA:		5. REQUIREMENT/PURPOSE: (Specify)		6. REQUESTOR OF INFORMATION:	
X	CONSENT		STATUTE	A. COMMISSIONER	
	ADMINISTRATIVE	X	ORDINANCE	B. DEPARTMENT ANIMAL SERVICES	
	APPEALS		ADMIN. CODE	C. DIVISION	
	PUBLIC		OTHER	BY:	
	TIME REQUIRED:				

7. **BACKGROUND:**

According to available data, Mexican Spiny-tailed Iguana were released on Gasparilla Island in the 1970's in violation of §372.265, FS "Regulation of Foreign Animals". Such Iguana are considered by Florida Fish & Wildlife Conservation Commission to be exotic wildlife.

On May 11, 1983, The Board of County Commissioners enacted County Ordinance 83-16 and declared Gasparilla Island a wildlife sanctuary. The ordinance requires Board authorization for "any person, organization, society, association, corporation or any agency or representative thereof, to directly or indirectly hunt, take or otherwise disturb any bird, wildlife or wildlife habitat."

Accordingly, county staff is requesting Board of County Commissioner direction and/or approval of activities for the removal of Iguana from Gasparilla Island. Such activities include the removal of Iguana for placement with reptile hobbyists.

8. **MANAGEMENT RECOMMENDATIONS:**

Recommend providing authority for removal of iguana from Gasparilla Island.

9. **RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Operations				G County Manager
					OA	OM	Risk	GC	
Standish 12/13/04	N/A	N/A	N/A	Kirk 12/13/04	APM	APM	APM	APM	PW 12-13-04

10. **COMMISSION ACTION:**

<input checked="" type="checkbox"/>	APPROVED	AFTER DISCUSSION
<input type="checkbox"/>	DENIED	
<input type="checkbox"/>	DEFERRED	
<input type="checkbox"/>	OTHER	

Rec. by CoAtty
Date: 12/13/04
Time: 10:15
Forwarded To:
Co. Admin
12/13/04

RECEIVED BY
COUNTY ADMIN:
12-13-04
11:35
COUNTY ADMIN
FORWARDED TO: JL
12/13/04
3PM

BOARD OF COUNTY COMMISSIONERS

WALK ON AGENDA ITEMS

MEETING DATE: December 14, 2004

WO # DESCRIPTION

- WO #1 ACTION REQUESTED:
Board to consider candidates for County Attorney position.
WHY ACTION IS NECESSARY:
Process of filling the vacant County Attorney position.
WHAT ACTION ACCOMPLISHES:
Discussion and consideration of candidates for County Attorney position. (#20041664-Human Resources)
REASON FOR WALK ON:
Requested by the BOCC on 12-06-04.
- WO #2 ACTION REQUESTED:
Approve amendment to the Interlocal Agreement between Lee County and the School Board of Lee County. Authorize Commissioner's signature on the amended Interlocal Agreement.
WHY ACTION IS NECESSARY:
Board of County Commissioners' approval is required to amend the agreement with the School Board for County funding in the amount of \$36,349.52 to assist the School Board and Tanglewood/Riverside Elementary Parent Teacher Association to purchase and install a playground that will be for school use and accessible to the general public when school is not in session.
WHAT ACTION ACCOMPLISHES:
Finalizes the Amended Interlocal Agreement with the School Board of Lee County. (#20041656-Parks and Recreation)
REASON FOR WALK ON:
Requested by Commissioner Albion.
- WO #3 ACTION REQUESTED:
Authorize: 1) the Division of County Lands to make a binding offer to property owner in the amount of \$697,000 for Parcel 101 and 101E, Three Oaks Parkway Widening, Project No. 4081 pursuant to the Purchase Agreement; 2) the Division of County Lands to handle and accept all documentation necessary to complete transaction.
WHY ACTION IS NECESSARY:
The Board must authorize the making of a binding offer to a property owner prior to initiation of condemnation proceedings.
WHAT ACTION ACCOMPLISHES:
Makes binding offer to property owner. (#20041677-County Lands)
REASON FOR WALK ON:
If the normal bluesheet process is followed, events affecting the property may further push our acquisition back, create additional ownerships, require new legals, appraisals and offers to new owners. Should this happen, condemnation expenses could increase substantially.
- WO #4 **ACTION REQUESTED:**
Provide direction and/or authorization to Lee County staff to proceed with activities for the removal of Iguana from Gasparilla Island, as such area is becoming grossly over populated with the non-native reptiles.
WHY ACTION IS NECESSARY:
In accordance with Lee Co. Ord. 83-16, Board of County Commissioner approval is required prior to removing and/or disturbing wildlife on Gasparilla Island.
WHAT THE ACTION ACCOMPLISHES:
Provides required direction and/or authorization to county staff to proceed with activities for the removal of Iguana from Gasparilla Island. (#20041679-Animal Services)
REASON FOR WALK ON:
Requests authorization to possibly disrupt wildlife in the Gasparilla Island Bird and Wildlife Sanctuary during removal of the iguana. Extreme care will be taken, but this allows for clear direction.

BOARD: ALBION HALL JUDAH JANES ST. CERNY
COMMISSION RECEPTION DESK
DONALD STILWELL, COUNTY MANAGER
WILLIAM HAMMOND, DEPUTY COUNTY MANAGER
HOLLY SCHWARTZ, ASSISTANT COUNTY MANAGER
PETE WINTON, ASSISTANT COUNTY MANAGER

ANTONIO MAJUL, BUDGET SERVICES
BOB GRAY, DEPUTY CO ATTORNEY
JAMES LAVENDER, PUBLIC WORKS
PUBLIC RESOURCES OFFICE
LISA PIERCE, MINUTES

DATE AND TIME DISTRIBUTED: 12-13-04 3:15 PM



**MEMORANDUM FROM
LEE COUNTY ANIMAL SERVICES**

DATE: December 10, 2004

TO: Pete Winton
Assistant to the County Manager


FROM: Scott Trebatoski
Director

RE: Walk-On Bluesheet for Iguana Removal

Due to an unexpected question raised regarding Ordinance 83-16 and any impact it may have on the proposed removal of iguana from Gasparilla Island on the weekend of December 17-19, 2004, we need to walk-on a bluesheet for consideration.

The bluesheet (#20041679) requests authorization to possibly disrupt wildlife in the Gasparilla Island Bird and Wildlife Sanctuary during removal of the iguana. Extreme care will be taken, but this allows for clear direction.

LEE COUNTY ORDINANCE NO. 83-16

AN ORDINANCE ESTABLISHING THE LEE COUNTY GASPARILLA ISLAND BIRD AND WILDLIFE SANCTUARY; PROVIDING SHORT TITLE; PROVIDING PURPOSE AND INTENT; DESIGNATING GASPARILLA ISLAND AS A BIRD AND WILDLIFE SANCTUARY AND ESTABLISHING LEGAL BOUNDARIES; PROVIDING PROHIBITION; PROVIDING FOR VIOLATION, ENFORCEMENT AND PENALTIES; PROVIDING FOR THE EXERCISE OF POLICE POWER; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, RULES OR REGULATIONS; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, is the governing body in and for Lee County, Florida; and

WHEREAS, Gasparilla Island in Lee County provides a significant habitat for a wide variety of wildlife and bird species which is not currently regulated in Lee County; and,

WHEREAS, recreational hunting would prove to be detrimental to the safety of the inhabitants and wildlife of Gasparilla Island as well as pose a threat to the viability of the island as a perpetual wildlife refuge; and,

WHEREAS, in the interest of public safety and wildlife conservation, it is the desire of the Board to establish through protective regulations, a sanctuary for the protection of all birds and/or other wildlife located on Gasparilla Island, Lee County, Florida; and,

WHEREAS, the Florida Game and Freshwater Fish Commission pursuant to Establishment Order BS 83-1 on January 7, 1983, approved the establishment of a bird sanctuary for the protection of all birds and other wildlife in Lee County in the area known as Gasparilla Island Sanctuary as described hereinbelow; and,

WHEREAS, Establishment Order BS 83-1 was filed in the Office of the Secretary of State, State of Florida, on January 12, 1983, said Order having become effective twenty-one (21) days from the date of filing with said office; and,

WHEREAS, Chapter 125.01(f) Florida Statutes establishes authority for the Board of County Commissioners to provide for parks, preserves, playgrounds, recreation areas, libraries, museums, historical commissions, and other recreation and cultural facilities and programs.

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

SECTION ONE

SHORT TITLE

This ordinance shall be known and may be cited as the "Lee County Gasparilla Island Bird and Wildlife Sanctuary."

SECTION TWO

It is the intent of the Board of County Commissioners to preserve Gasparilla Island as a perpetual bird habitat and wildlife refuge by establishing Gasparilla Island as a bird sanctuary and wildlife refuge. The purpose of this ordinance is to provide protective regulations as described in this ordinance.

SECTION THREE

DESIGNATION AND BOUNDARIES

The Board of County Commissioners of Lee County, Florida, hereby designates the entire area of Gasparilla Island described herein as a bird sanctuary and wildlife refuge. The lands subject to this ordinance are as follows:

All of Gasparilla Island lying within Lee County and within Sections 2, 11, 12, 13, 14, 23, 24, 26 and 35, Township 43 South, Range 20 East.

SECTION FOUR

PROHIBITION

It shall be a violation of this ordinance for any person, organization, society, association, corporation or any agency or representative thereof, directly or indirectly to hunt, take, or otherwise disturb any bird, wildlife or wildlife habitat from the area described as the Lee County Gasparilla Island Bird and Wildlife Sanctuary, unless such taking, hunting and/or disturbance has been previously specifically authorized by the Lee County Board of County Commissioners.

SECTION FIVE

VIOLATION/ENFORCEMENT/PENALTIES

It shall be unlawful for any person to violate any of the provisions of this ordinance. It shall be the duty of any law or

code enforcement official having jurisdiction in Lee County to enforce the provisions of this ordinance. Violation of the provisions of this ordinance shall constitute a misdemeanor. Any person who violates this ordinance shall be guilty of a misdemeanor upon conviction thereof, and may be fined not more than Five Hundred Dollars (\$500.00) or imprisoned for not more than sixty (60) days or both. In addition, the court in its discretion may direct the violator to pay all costs and expenses involved in the case.

SECTION SIX

EXERCISE OF POLICE POWER

This entire ordinance shall be deemed and construed to be an exercise of the police power of the County of Lee for the preservation and protection of public safety and all of its provisions shall be liberally construed with a view to the effectuation of such purpose.

SECTION SEVEN

REPEAL OF CONFLICTING ORDINANCES

All ordinances and parts of ordinances inconsistent with the terms of this ordinance are hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other state and/or local ordinances, rules or regulations regulating and governing the subject matter covered by this ordinance.

SECTION EIGHT

SEVERABILITY

The provisions of this ordinance are severable and it is the intention to confer the whole or any part of the powers herein provided for. If any of the provisions of this ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this ordinance. It is hereby declared to be the legislative intent that this ordinance would have been adopted had such unconstitutional provision not been included therein.

SECTION NINE

EFFECTIVE DATE

This ordinance shall become effective upon action from the Secretary of State that the ordinance has been duly filed.

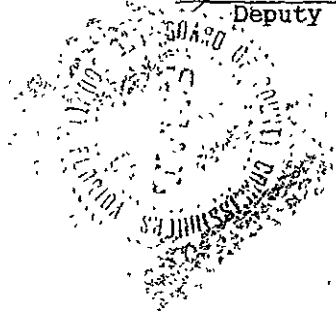
DONE AND ADOPTED this 11th day of May, 1983.

ATTEST:
SAL GERACI, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Lois Kurt
Deputy Clerk

BY: [Signature]
Chairman



Approved As
To Form.
by James [Signature]
County Attorney

The Florida Statutes

Chapter 372: WILDLIFE

Section 372.265 Regulation of foreign animals.--

(1) It is unlawful to import for sale or use, or to release within this state, any species of the animal kingdom not indigenous to Florida without having obtained a permit to do so from the Fish and Wildlife Conservation Commission.

(2) The Fish and Wildlife Conservation Commission is authorized to issue or deny such a permit upon the completion of studies of the species made by it to determine any detrimental effect the species might have on the ecology of the state.

(3) Persons in violation of this section shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.--s. 1, ch. 70-145; s. 308, ch. 71-136; s. 2, ch. 71-294; s. 2, ch. 80-129; s. 131, ch. 99-245.

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December 10, 2004

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Select Year:

The 2004 Florida Statutes

Title XXVIII	Chapter	View Entire
NATURAL RESOURCES; CONSERVATION, RECLAMATION, AND USE	372	Chapter
	WILDLIFE	

372.074 Fish and Wildlife Habitat Program.--

(1)(a) There is established within the Fish and Wildlife Conservation Commission the Fish and Wildlife Habitat Program for the purpose of acquiring, assisting other agencies or local governments in acquiring, or managing lands important to the conservation of fish and wildlife.

(b) The Fish and Wildlife Conservation Commission or its designee shall manage such lands for the primary purpose of maintaining and enhancing their habitat value for fish and wildlife. Other uses may be allowed that are not contrary to this purpose.

(c) Where acquisition pursuant to this section will result in state ownership of land, title shall be vested in the Board of Trustees of the Internal Improvement Trust Fund as required in chapter 253. Land acquisition pursuant to this section shall be voluntary, negotiated acquisition and, where title is to be vested in the Board of Trustees of the Internal Improvement Trust Fund, is subject to the acquisition procedures of s. 253.025.

(d) Acquisition costs shall include purchase prices and costs and fees associated with title work, surveys, and appraisals required to complete an acquisition.

(2) Moneys which may be deposited into the Land Acquisition Trust Fund for the purposes of this section may include, but not be limited to, donations, grants, development-of-regional-impact wildlife mitigation contributions, or legislative appropriations. Preservation 2000 acquisition moneys and Conservation and Recreation Lands management moneys shall not be deposited into this fund.

History.--s. 20, ch. 90-136; s. 10, ch. 90-217; s. 2, ch. 90-227; s. 20, ch. 94-240; s. 17, ch. 94-265; s. 124, ch. 99-245.

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