

**Lee County Board Of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 20050318

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Consider submitting formal comments to the Fish and Wildlife Conservation Commission (FWC) regarding proposed rule changes to the Manatee Speed Zones based on Board discussion at Management and Planning Committee Meeting of March 14, 2005.

**WHY ACTION IS NECESSARY:** Official Board position needs to be directed to FWC before their April Commission meeting.

**WHAT ACTION ACCOMPLISHES:** Formalizes Board policy and provides for inclusion in public comment at April FWC Commission meeting.

<p><b>2. DEPARTMENTAL CATEGORY:</b> COMMISSION DISTRICT #: CW 08 <span style="margin-left: 50px;">10:00 #2</span></p>	<p><b>3. MEETING DATE:</b> <span style="margin-left: 20px;">03-15-2005</span></p>	
<p><b>4. AGENDA:</b></p> <p>_____ CONSENT</p> <p>_____ ADMINISTRATIVE</p> <p>_____ APPEALS</p> <p><input checked="" type="checkbox"/> PUBLIC 10:00 a.m.</p> <p>_____ WALK ON</p> <p>_____ TIME REQUIRED:</p>	<p><b>5. REQUIREMENT/PURPOSE:</b> (Specify)</p> <p>_____ STATUTE</p> <p>_____ ORDINANCE</p> <p>_____ ADMIN. CODE</p> <p><input checked="" type="checkbox"/> OTHER</p>	<p><b>6. REQUESTOR OF INFORMATION:</b></p> <p>A. COMMISSIONER <span style="margin-left: 20px;">Ray Judah</span></p> <p>B. DEPARTMENT <span style="margin-left: 20px;">Public Works</span></p> <p>C. DIVISION <span style="margin-left: 20px;">Natural Resources</span></p> <p>BY: <span style="margin-left: 20px;">Roland Ottolini, P.E. Director</span></p> <p align="right"><i>[Signature]</i></p>

**7. BACKGROUND:**  
The existing FWC Manatee Speed Zones in Lee County were adopted in 1999 following an Administrative Hearing that blocked a 1995 rule proposal.

In January 2003, a Lee County Court issued an order dismissing multiple citations on grounds that the speed zones exceeded the FWC's statutory authority. FWC appealed the order, but the appeal was dismissed for procedural reasons.

On April 7, 2004, the USFWS published an emergency rule reinstating, on a temporary basis, the zones affected by the County Court order as emergency federal refuges. The USFWS has proposed a rule to make the emergency zones permanent. A final decision on the permanent federal zones is expected in April 2005.

On April 4, 2004, Lee County was notified that FWC was considering amendments to the existing zones. A local rule review committee (LRRRC) was seated and provided recommendations to the FWC. The FWC published a proposed rule that differed in some areas from the LRRRC recommendations.

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i> 3.7.05	N/A	N/A	N/A	<i>[Signature]</i> 3/3/05	<i>[Signature]</i> 3/3/05	<i>[Signature]</i> 3/3/05	<i>[Signature]</i> 3/3/05	<i>[Signature]</i> 3/3/05	<i>[Signature]</i> 3.3.05

**10. COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

Rec. by CoAtty

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COUNTY ADMIN: PM

3/3/05

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COUNTY ADMIN  
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