

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

Blue Sheet No. 20060326

1. ACTION REQUESTED/PURPOSE: Request Board not apply to the Florida Supreme Court to review decision in Gargano v. Lee County.

2. WHAT ACTION ACCOMPLISHES: Allows case to be remanded to Circuit Court.

3. MANAGEMENT RECOMMENDATION: Do not apply for Supreme court review.

4. Departmental Category: 12 – AIAE		5. Meeting Date: 03-28-2006
6. Agenda:	7. Requirement/Purpose: (specify)	8. Request Initiated:
<input type="checkbox"/> Consent	<input type="checkbox"/> Statute	Commissioner _____
<input checked="" type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	Department <u>County Attorney</u>
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	Division <u>John J. Renner</u>
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other	By: Chief Assistant County Attorney
<input type="checkbox"/> Walk-On		

9. Background: The Second District Court of Appeal declined to clarify its opinion in Gargano v. Lee County. Lee County may petition the Florida Supreme Court for review of the Second District's opinion. The County Attorney recommends the Board not seek Supreme Court review of the Second District's opinion and allow the case to be remanded to the Circuit Court.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
					Analyst	Risk	Grants	
				<i>[Signature]</i>	RK 3/15	3/16/06	14 V. Gargano 3/15/06	3-16-06

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
FORWARDED
TO CO. ADMIN.
3/15/06

RECEIVED BY COUNTY ADMIN: <i>[Signature]</i>
3-15-06
9:45
COUNTY ADMIN FORWARDED TO: <i>[Signature]</i>
<i>[Signature]</i>
2 PM