

LEE COUNTY ORDINANCE NO. 21-17

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, REPEALING IN THE ENTIRETY, LEE COUNTY ORDINANCE NO. 88-24, AS AMENDED BY LEE COUNTY ORDINANCE NO. 96-08, AS AMENDED BY LEE COUNTY ORDINANCE NO. 99-20, RELATING TO MINIMUM STANDARDS OF HYGIENE FOR FOOD ESTABLISHMENTS AND FOOD VENDORS.

SECTION ONE: PURPOSE, RESTATEMENT AND REPEALER

It is the intent of this Ordinance to repeal in the entirety, Lee County Ordinance No. 88-24, as amended by Ordinance No. 96-08, as amended by Ordinance No. 99-20. Accordingly, upon adoption of this Ordinance, Lee County Ordinance No. 88-24 is hereby duly repealed.

SECTION TWO: EFFECTIVE DATE

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State. The provisions of this ordinance will apply to all projects or applications subject to the LDC unless the development order application for such project is complete or the zoning request is found sufficient before the effective date.

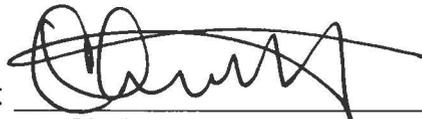
[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

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

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 7th day of December, 2021.

ATTEST:
LINDA DOGGETT, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Cecil L Pendergrass, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

By: 
Office of the County Attorney



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 9, 2021

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attn: Mr. Christopher Jagodzinski

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 21-17, which was filed in this office on December 9, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb

RECEIVED

By Chris Jagodzinski at 3:52 pm, Dec 09, 2021

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee COUNTY ORDINANCE #: 21-17
(e.g., 93-001)

PRIMARY KEYFIELD
DESCRIPTOR: Codes/Regulations

SECONDARY KEYFIELD
DESCRIPTOR: _____

OTHER KEYFIELD
DESCRIPTOR: _____

ORDINANCE DESCRIPTION: Repeal Hygiene Standards
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: _____ AMENDMENT #2: _____

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: 88-24 ; REPEAL #3: _____
REPEAL #2: _____ ; REPEAL #4: _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY) : COUNTY CODE NUMBER: _____
KEYFIELD 1 CODE: _____ KEYFIELD 2 CODE: _____
KEYFIELD 3 CODE: _____

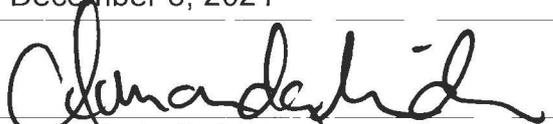
**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

VIA HAND DELIVERY

DATE: December 8, 2021

TO: Commissioner Pendergrass
Chair, Board of County
Commissioners

FROM:


Amanda L. Swindle
Assistant County Attorney, Senior

RE: **Ordinance No. 21-17
Ordinance Repealing Lee County Ordinance No. 88-24 Relating to Food
Establishments and Food Vendors
Agenda Item Public Hearing #5 – December 7, 2021**

Attached, approved as to form, please find the original of the above-referenced ordinance adopted by the Board of County Commissioners on December 7, 2021.

The original ordinance is attached to the memorandum for execution. Kindly execute the ordinance at your earliest convenience and then forward to the Minutes Department for filing and transmittal to Tallahassee.

By copy of this memorandum to Eileen Gabrick, I request that a clerk attest to the Chair's signature on the attached ordinance and return the fully executed copy with all exhibits to my attention via email.

Insofar as State Statute mandates that the ordinance reach Tallahassee within ten (10) days of the adoption, please expedite the above request so that the ordinance arrives in Tallahassee no later than December 17, 2021.

Also attached please find the Data Retrieval form. Kindly include this ordinance in the Lee County Ordinance History.

Thank you for your prompt attention to this matter.

Attachment

VIA E-MAIL ONLY:

Laurel Chick, Manager, Internal Services
Joyce Conatser, Senior Fiscal Officer
Samantha Westen, Executive Assistant
Rose Bahena, Administrative Specialist, Senior
Eileen Gabrick, Office Manager, Minutes Department
Andi Eggen, Legal Administrative Specialist (for ordinance history)

2021 DEC -9 AM 8:46

AGENDA ITEM REPORT

DATE: December 7, 2021
DEPARTMENT: County Attorney
REQUESTER: Amanda Swindle
TITLE: Public Hearing: Ordinance Repealing Lee County Ordinance No. 88-24

I. MOTION REQUESTED

Conduct public hearing to repeal outdated Ordinance No. 88-24 relating to the minimum standards of hygiene for food establishments and food vendors.

II. ITEM SUMMARY

Ordinance 88-24, relating to minimum standards for food establishments and food vendors, has become outdated since the dissolution of the Department of Health and Rehabilitative Services in 2013. Staff recommends repealing this Ordinance in conjunction with the enactment of the county's mobile food vendor regulations.

III. BACKGROUND AND IMPLICATIONS OF ACTION

A) Board Action and Other History

On October 5, 2021, the Board of County Commissioners directed staff to proceed with committee review of LDC amendments to regulate mobile food vendors in accordance with recent changes to state law. In reviewing the LDC amendments, staff has identified Ordinance 88-24 to be (1) outdated as a result of the dissolution of the Florida Department of Health and Rehabilitative Services in 2013, and (2) in conflict with the adoption of the mobile food vendor LDC amendments. Accordingly, staff recommends repealing Ordinance 88-24 in conjunction with the adoption of those regulations.

B) Policy Issues

C) BoCC Goals

D) Analysis

E) Options

IV. FINANCIAL INFORMATION

A)	Current year dollar amount of item:	No funding required.
B)	Is this item approved in the current budget?	N/A
C)	Is this a revenue or expense item?	N/A
D)	Is this Discretionary or Mandatory?	N/A
E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	
F)	Fund: Program: Project: Account Strings:	
G)	Fund Type?	
H)	Comments:	

V. RECOMMENDATION

V. RECOMMENDATION

Approve

VI. TIMING/IMPLEMENTATION

VII. FOLLOW UP

ATTACHMENTS:

Description	Upload Date	Type
FAIS Form	11/17/2021	Backup Material
88-24 Repeal Ordinance	11/18/2021	Ordinance

REVIEWERS:

Department	Reviewer	Action	Date
County Attorney	Wesch, Richard Wm.	Approved	11/17/2021 - 10:50 AM
Budget Services	Henkel, Anne	Approved	11/18/2021 - 8:00 AM
Budget Services	Winton, Peter	Approved	11/18/2021 - 11:45 AM
County Attorney	Swindle, Amanda	Approved	11/18/2021 - 2:20 PM
County Manager	Salyer, Glen	Approved	11/19/2021 - 8:52 AM