



Management & Planning Session

Town Hall Council Chambers
6231 Estero Boulevard
Fort Myers Beach, FL 33931
Thursday, August 6, 2026

Agenda

9:00 AM

ORDER OF BUSINESS

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ITEMS FOR DISCUSSION
 - A. Short Term Rental Registration System
Demonstration of Rentalscape
 - B. Proposed Advisory Committees Policies and Procedures Manual
Discussion and direction on proposed Advisory Committees Policies and Procedures Manual
 - C. Sea Turtle Conservation
Discussion on Sea Turtle Conservation Ordinance

IV. AGENDA MANAGEMENT

August 2026

V. ADJOURNMENT

NOTE: THIS MEETING IS STREAMED LIVE ON [YOUTUBE](#).

IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.



For special accommodation, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.

1. **Request:**

Meeting Date: August 6, 2026

Demonstration of Rentalscape

Why the action is necessary:

To provide visibility into the system's functionality, answer questions, and identify any required changes.

What the action accomplishes:

Demonstrates the Rentalscape system's core functionality and validates that it meets the Towns needs and user requirements.

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

Managements' request.

5. **Background:**

System demonstration of Rentalscape, including key features, workflows, and functionality, followed by a Q&A

Attachments:

Financial Impact:

N/A

6. **Alternative Action**

Additional recommendations or concerns for further upgrade.

7. **Staff Recommendations:**

8. **Recommended Approval:**

Date: July 13, 2026

Frankie Kropacek, Community Development Director

Date: July 13, 2026

Carolyn Luomala, Acting Finance Director

Date: July 16, 2026

nancy stuparich, Town Attorney

Date: July 21, 2026

Amy Baker, Town Clerk



Date: July 21, 2026

William McKannay, Town Manager

1. **Request:**

Meeting Date: August 6, 2026

Discussion and direction on proposed Advisory Committees Policies and Procedures Manual

Why the action is necessary:

Adoption of the proposed manual will provide a standardized framework to support transparency, accountability, compliance, and effective committee operations.

What the action accomplishes:

The action will provide clear guidance regarding committee roles and responsibilities, create uniform procedures across all advisory committees, reinforce compliance with applicable laws and Town policies, and enhance communication, transparency, and accountability.

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

Resolution

5. **Background:**

Several of the Town's advisory committees currently operate under policies and procedures that were adopted at different times and may no longer reflect current practices or provide consistent guidance across all committees.

The proposed Advisory Committee Policies and Procedures Manual has been developed to establish uniform guidance regarding the roles, responsibilities, procedures, and operational expectations for Town Advisory Committees. The manual is intended to promote transparency, consistency, compliance with applicable laws and Town policies, and effective communication between advisory committees and the Town Council.

The draft manual includes provisions related to committee responsibilities, meeting procedures, Sunshine Law requirements, public records, recommendations to Town Council, reporting procedures, member conduct, attendance expectations, and other administrative practices.

Attachments:

1. TFMB Advisory Committee Policies & Procedures Manual (Proposed)

Financial Impact:

None

6. **Alternative Action**

Town Council may approve the proposed Advisory Committee Policies and Procedures Manual as presented, approve the manual with revisions, or direct staff to make additional changes and return the item for future consideration.

7. **Staff Recommendations:**

8. **Recommended Approval:**

Date: July 23, 2026

Amy Baker, Town Clerk

nancy stuparich, Town Attorney



Date: July 23, 2026

William McKannay, Town Manager

Date: July 27, 2026

CRK Edits 3/29/26 & 4/8/26

JMC Edits 4/1/26

NS Edits 4/24/2026

TC Edits 4/29/26



Advisory Committee Policies and Procedures Manual

TOWN COUNCIL ADOPTION DATE: _____

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Purpose of Advisory Committees

Pursuant to Section 2-93 of the Town Code of Ordinances, agencies, boards, committees, or commissions may be established by ordinance or resolution at the discretion of the Town Council to provide citizen input, expertise, and recommendations on matters affecting the community. This manual is intended to provide a guide for residents who are appointed to serve on any of these agencies, boards, committees or commissions, which shall be collectively referred to as “Advisory Committees” unless otherwise indicated.

Advisory Committees serve in a **recommendation capacity only**, with the exception of the Local Planning Agency which operates in accordance with [Section 34-113](#) of the Town of Fort Myers Beach Code of Ordinances and by a separate Policies & Procedures Manual which can be viewed [here](#). Final decision-making authority rests with the Town Council.

Committees support the Town Council by:

- Reviewing issues and policies related to their assigned subject area
- Facilitating public discussions
- Providing recommendations to the Town Council
- Assisting in gathering community input

Members serve as **volunteers appointed by Town Council** and are expected to conduct their duties with standards of ethical professionalism and integrity.

Advisory Committees of the Town

The Town currently has several Advisory Committees, including but not limited to:

- Anchorage Advisory Committee (AAC)
- Audit Committee
- Local Planning Agency (LPA)*
- Bay Oaks Recreational Campus Advisory Board (BORCAB)
- Cultural & Environmental Learning Center Advisory Board (CELCAB)
- Marine & Environmental Resources Task Force (MERTF)
- Public Safety Committee (PSC)

*The Local Planning Agency (LPA) operates under a separate Policies and Procedures Manual as adopted by the Town Council.

Each of these Advisory Committees has a specific scope and responsibility as defined in [Section 2-94](#) of the Town of Fort Myers Beach Code of Ordinances. Selection of members to serve on these Advisory Committees is made in accordance with Section 5 of the Town Council Policies and Procedures and Section 2-94.

Attached is the Advisory Committees Communication Flow Chart (Exhibit A), which describes the relationship and communication flow between the Town Council, Town Council Advisory Committee Liaison, Advisory Committees, Town Staff Liaisons, Town Clerk's Office, and Town Manager or designee.

Appointment and Terms

Advisory Committee members are appointed by the Town Council as provided in [Section 2-94](#) of the Town of Fort Myers Beach Code of Ordinances. There are specific requirements related to the Audit Selection Committee and the Local Planning Agency required by Florida law. Service in an advisory capacity does not create a property right in the position. Appointment to an Advisory Committee occurs following advertisement of a vacancy.

Interested candidates will be required to submit to the Town Clerk's Office a complete application. Appointment shall be made during a publicly noticed Town Council meeting. In accordance with Section 5 of the Town Council Policies and Procedures Manual, Advisory Committees serve for a term of two (2) years unless they are filling the seat as a result of a vacancy, which shall then be for the remainder of the term.

As provided by Sec. 2-97 of the Town of Fort Myers Beach Code of Ordinances - *Procedure for appointment and filling vacancies:*

Except as otherwise provided by state statutes, ordinance, or resolution, appointments to an agency, board, committee or commission shall be filled by the town council in accordance with the following procedure:

- (1) Town council may direct the town manager to advertise a vacancy and seek resumes from interested members of the public willing to accept appointment.
- (2) Unless otherwise regulated by state statutes, ordinance or resolution, the composition of each agency, board, committee or commission shall consist of no less than four members and no more than seven members. Each town council member shall reserve the right to recommend the appointment of an

applicant to the agency, board, committee or commission. Town council may accept or reject the recommendation offered by the council member.

- (3) If a vacancy occurs on the agency, board, committee or commission during the term of the seat now vacated, pursuant to the process delineated in subsection (2), a member shall have the right to recommend a replacement to fill the vacancy to complete the unexpired term. Town council may accept or reject the recommendation.
- (4) The Town Clerk shall advertise the opportunity to serve on the agency, board, committee or commission and receive applications, resumes or other such documents in accordance with section 2-94. Town council may schedule public interviews to vetted applicants.

As provided by Section 2-96, Advisory Committee Members serve until:

- Their term expires,
- They resign,
- They are removed by Town Council in Council's sole discretion,
- They no longer meet eligibility requirements.

Section 2-96, Town of Fort Myers Beach Code of Ordinances - *Removal of agency, board, committee or commission members.*

"Unless otherwise precluded by state statutes, ordinance, or resolution, any member of an agency, board, committee or commission shall serve at the pleasure of town council and may be removed by town council with or without cause. In the event that any member no longer possesses the required qualifying criteria, or is convicted of a felony, while in office or has unpaid fines or liens due the Town of Fort Myers Beach, the town council shall terminate the appointment of such person as a member of the agency, board, committee or commission for cause."

Roles and Responsibilities

Committee Members

In recognition of the value of the contribution made by Advisory Committee members to the community and to each other, Advisory Committee members are expected to:

- Attend regularly scheduled meetings in person
- Review agenda materials in advance
- Participate in respectful discussion
- Provide objective recommendations
- Attend the Annual Sunshine Law and Public Records Review
- Follow applicable laws
- Follow guidelines within this Policies & Procedures Manual
- Represent the best interests of the community as a whole, not personal, financial or special-interest agendas

Election of Officers

At their October meeting, each Advisory Committee, after vacancies resulting from expired terms have been filled by the Town Council, a Chair and Vice Chair shall be selected. A Committee member may nominate a person for each of these positions or state their own interest in service as Chair or Vice Chair. The nominated committee member shall accept or decline the nomination on the record. If a nominated committee member is not present, acceptance of the nomination and a vote on all nominations shall take place at the next regularly scheduled committee meeting. Once all nominations are received, the Advisory Committee will vote by roll call.

Committee Chair

The Chair or designee is responsible for:

- Presiding over meetings
- Maintaining orderly discussion
- Providing Advisory Committee Reports to Town Council

Vice Chair

Should the Chair be absent/unavailable, the Vice Chair will be responsible for:

- Presiding over meetings
- Maintaining orderly discussion

Town Staff Liaison

Each Advisory Committee is assigned a Town Staff Liaison who supports the Advisory Committee by:

- Serving as the primary connection ensuring consistent, accurate communication between the Advisory Committee, the Town Clerk's Office, and Town Administration
- Preparing agendas in coordination with the Town Clerk's Office
- Maintaining alignment of committee discussions, initiatives, and recommendations with Town Council assigned goals and objectives
- Providing a Staff Liaison Report at each meeting

Council Liaison

Each Advisory Committee is assigned a Council Liaison who supports the Advisory Committee by:

- Attending assigned regularly scheduled Advisory Committee meetings
- Serving as an informational resource related to the topics at hand

Town Clerk's Office

The Clerk's Office provides procedural support to Advisory Committees by:

- Ensuring compliance with applicable open meetings laws, ethics requirements, and Town policies
- Developing, reviewing and maintaining Advisory Committees Policies and Procedures
- Maintaining official records and minutes
- Producing, posting, and archiving meeting agendas and notices
- Coordinating committee appointments and term expirations
- Providing procedural guidance, training, and resources to committee members and Town Staff Liaisons

Attendance

Regular attendance at all publicly noticed meetings is a fundamental obligation of Advisory Committee membership. The presence of all appointed members is important to ensure the Advisory Committee can maintain quorum and effectively conduct the Town's business.

In the event an Advisory Committee member will be absent from a publicly noticed meeting, they must notify the Town Clerk in writing.

If a member notifies the Town Clerk of a planned absence at least ten (10) days before a scheduled meeting, the absence will automatically be considered excused.

Absences reported fewer than (10) days before a scheduled meeting require a vote by the Advisory Committee to determine whether the absence will be recorded in the minutes as an excused or unexcused absence.

In accordance with Section 2-95(d), *Meetings, quorum, minutes and attendance requirements* of the Town of Fort Myers Beach Code Ordinances:

*(d) Attendance. Unexcused absence from **three** meetings within the member's term of an agency, board, committee or commission shall automatically operate to vacate the seat of an agency, board, committee or commission by motion duly passed and recorded in the official minutes.*

Meetings

Advisory Committee meetings and committee members are subject to the requirements of Florida's Government in the Sunshine Law, Public Records Law, and all applicable Town Policies and procedures. To support compliance with these requirements all Advisory Committee members shall receive annual Sunshine Law and Public Records training or review.

Meeting schedules for the current year will be provided for committee members. The goal is to distribute finalized agendas and supporting materials at least seven (7) days prior to duly noticed meeting. Advisory Committee members requesting the inclusion of agenda items or supporting materials shall submit all electronic documents to the Town Staff Liaison no later than ten (10) days prior to the scheduled meeting date. The Town Staff Liaison shall coordinate the preparation and review of agenda materials and with the Town Clerk's Office to ensure approved items are included in the agenda packet. The Town Clerk's Office shall distribute agenda packets and maintain meeting records in accordance with applicable laws and Town procedures.

Pursuant to [Sec. 2-95](#), Town of Fort Myers Beach Code of Ordinances - Meetings, quorum, minutes and attendance requirements

- (a) *Regular meetings.* Meetings shall be scheduled in accordance with the ordinance or resolution authorizing the establishment of the board, committee, or commission. Public notice of the meeting shall be provided in accordance with procedures adopted for town council meetings. Meetings may be called by the committee chairperson or by the town manager or designee.
- (b) *Quorum.* A majority of all members appointed to the agency, board, committee or commission shall constitute a quorum for the transaction of business unless

otherwise required by the ordinance or resolution authorizing the establishment of a particular agency, board, committee or commission.

- (c) *Minutes*. A written record of the proceedings of the board, committee, or commission shall be kept showing its action on each question considered. Such record shall be filed with the town clerk and shall be open to public inspection.

Sample Order of a Committee Meeting:

1. Call to Order - (Identify for the record the committee meeting, meeting date, and members present).
2. Pledge of Allegiance
3. Roll Call - (Members present)
4. Public Comment on any topic - (3 minutes per speaker)
5. Approval of Minutes – (Requires a motion and vote)
6. Old Business
7. New Business
8. Staff Liaison Report
9. Committee Members Items
10. Next Meeting Date
11. Items for Next Month's Agenda
12. Adjournment – (Requires a motion and vote)

Items requiring a Vote

- Any item including a decision or recommendation to the Town Council requires a motion and a vote.

Committee Recommendations to Council

Advisory Committees serve in an advisory capacity to the Town Council. Recommendations approved by an Advisory Committee shall be clearly documented in the official meeting minutes.

Recommendations should include:

- The motion approved by the Advisory Committee
- The vote results and outcome of the motion
- Supporting rationale or background information, when applicable

Advisory Committees may submit a written report to present their recommendations to the Town Council. Materials intended for presentation at a Town Council meeting shall be submitted to the Town Clerk's Office at least ten (10) days prior to the scheduled meeting date.

Presentations to the Town Council shall comply with the Town's adopted [Presentation Policy](#) and applicable agenda procedures.

Advisory Committees are encouraged to provide formal updates to the Town Council on a quarterly basis or whenever the Committee wishes to make a specific recommendation. A motion and a vote regarding the topic under discussion are required to take place at the time of their regularly scheduled monthly meeting. Advisory Committee Chairs and/or designees are welcome to attend and address the Town Council at any regular Town Council Meeting, subject to applicable meeting procedures and time limitations.

Expectations of Professional Conduct

Members should conduct themselves in a manner that reflects positively on the Town and promotes constructive dialogue.

This includes:

- Respectful interaction with fellow members, staff, and the public
- Avoiding disruptive or disrespectful behavior

Advisory Committee Membership Removal

Pursuant to [Sec. 2-96](#), Town of Fort Myers Beach Code of Ordinances - *Removal of agency, board, committee or commission members.*

"Unless otherwise precluded by state statutes, ordinance, or resolution, any member of an agency, board, committee or commission shall serve at the pleasure of town council and may be removed by town council with or without cause. In the event that any member no longer possesses the required qualifying criteria, or is convicted of a felony, while in office or has unpaid fines or liens due the Town of Fort Myers Beach, the town council shall terminate the appointment of such person as a member of the agency, board, committee or commission for cause."

Sunshine Law Guidance

Members of Town advisory committees, boards, and agencies are subject to Florida's Government in the Sunshine Law (Section 286.011, Florida Statutes). The same Sunshine Law requirements that apply to Town Council apply to the members of all Town advisory committees, boards and agencies.

Any gathering of two or more members of the same Advisory Committee, board or agency must comply with all the Sunshine Law requirements if they participate in any discussion, directly or indirectly, regarding any matter where there is known or could be foreseeable action to be taken by the committee. Examples of indirect discussions are the use of email to a committee member or communication through a spouse or other go-between.

Advisory Committee members cannot engage in discussions with each other (directly or indirectly) at outside meetings such as the Chamber of Commerce or Civic Association regarding any matter on which it is known or foreseeable that action may be taken, unless the Sunshine requirements are met.

These rules apply equally to any gathering, formal or casual, such as a Rotary Club (or other business or fraternal club gathering), fund-raiser, etc. They also apply to social events and functions unconnected to the advisory committee, such as a neighbor's backyard barbeque. They also apply to casual discussions between or among members coming in the door for the committee meeting, at breaks during the meeting, and going out the door after the meeting. Every component of the decision-making process must occur in the Sunshine.

The penalties for violating the Sunshine law are severe and can include criminal and civil sanctions as provided by law. The process of investigation of Sunshine law violations is always unpleasant, time-consuming, and costly, even if the person is ultimately cleared.

Advisory Committee members are required to complete Sunshine Law training following their appointment.

Ethics and Public Service

Pursuant to 112.3145 F.S. Advisory Committee members are public officials for purposes of Florida ethics laws and must adhere to applicable standards.

Most advisory committee members are not required to submit financial disclosure forms; however, members may be required to do so when delegated final decision-making authority or otherwise required by Florida law (e.g., Town Council, Local Planning Agency and/or Nuisance Abatement Board). Advisory Committee members must avoid:

- Conflicts of interest
- Misrepresentation of authority
- Using their role for personal benefit
- Contractual relationship with the Town

Fundraising and Solicitation of Donations for Town Activities

A donation solicitation requires prior Town Council approval and must be consistent with the Town's Donation Policy, as restated on May 18, 2026.

Communication and Representation

Advisory Committees serve in a **recommendation capacity only** to the Town Council and do not represent the Town or speak on its behalf; unless, specifically authorized by the Town Council.

Advisory Committee members shall not present themselves as official spokespersons for the Town in any public, professional, social media, or organizational setting. Media inquiries requiring an official Town stance or perspective should be referred to the Town's Public Information Officer. However, committee members may speak to the media and provide their personal opinions with a disclaimer that they are not speaking on behalf of the Town. The Public Information Officer is available for information at: Abigail.Eberhart@fmbgov.com.

Town resources and identifiers are reserved for authorized Town officials and employees and **shall not be used by Advisory Committee members** including but not limited to:

- Town letterhead
- Town logos or branding
- Business cards
- Other materials implying official representation

Advisory Committee members may identify themselves as a "**Town of Fort Myers Beach Advisory Committee Member**" when appropriate, but such identification must not imply authority to act or speak on behalf of the Town.

Amendments to this Manual

This Advisory Committee Policies and Procedures Manual may be updated as needed to reflect Town policies, legal requirements, or operational improvements.

Roles and Responsibilities – by Committee

Anchorage Advisory Committee

Pursuant to Section 2-94(1), Town of Fort Myers Beach Code of Ordinances - Qualifications and appointments of members:

(1) Anchorage Advisory Committee. The anchorage advisory committee shall advise the town council concerning all matters relevant to the management and use of the waters of the town for mooring and anchoring. The anchorage advisory committee shall prepare and submit the Matanzas Harbor Management Plan and any amendments thereto for review and approval by the town council and make recommendations for the establishment of managed municipal anchorages and mooring fields where warranted by objective evidence of environmental damage or user conflicts; or any other topics as assigned by the town council."

- 1. Review and analyze plans, reports and proposals. Make recommendations to Town Council as needed based on review.**
 - a. Ensure the Matanzas Harbor Management Plan is up to date and reflects community needs.
 - b. Evaluate conditions/proposals pertaining to the waters of Fort Myers Beach.
 - c. Review proposals related to changes to the field and facilities for consistency with the Harbor Plan.
 - d. Review monthly reports on occupancy and financials.
- 2. Provide recommendations based on community needs, priorities and opportunities.**
 - a. As directed by Town Council, participate in planning sessions to develop marketing plans, facility enhancement plans, investigations into alternate facility locations.
 - b. Provide advice and recommendations regarding Mooring Field operations and challenges.
- 3. Review progress and outcomes of projects. Make recommendations to Town Council as needed based on review of:**
 - a. Derelict vessels and other water hazards.
 - b. Mooring Field operations and the state of operations of the field and facilities.
 - c. Pump out facility use in the Mooring Field and throughout the canals and waters of FMB.

4. Advocate for resources, support and promotion.

- a. Make recommendations to the Town Council as necessary to ensure the Mooring Field is adequately resourced to deliver benefits to the community supporting Tourism, providing Safe Harbor of vessels, protecting our Marine Environment and ensuring Public Safety.
- b. With permission from Council, take advantage of opportunities to organize and/or participate in events and promotional activities in support of Mooring Field operations.

Perform any other duties which lawfully may be assigned to it by direction of the Town Council, such as, but not limited to, the review, holding of public meetings and making recommendations to the Town, on regulations, codes and other documents, as may be necessary to promote public safety related to maritime activities.

Audit Committee

Pursuant to Section 2-94(2), Town of Fort Myers Beach Code of Ordinances - Qualifications and appointments of members:

- (2) *Audit committee. All members of the audit committee shall be registered voters within the territorial boundaries of the Town of Fort Myers Beach who do not have any direct financial or business interests involving the town. The town council may waive the residency requirements by majority vote if there are an insufficient number of applicants who reside in the town. All members should, through education and experience, possess a basic understanding of governmental financial reporting and auditing. At least one member of the audit committee shall have accounting, auditing, or related financial management expertise that is specifically relevant to the government sector. The audit committee shall advise the town council on these matters and other matters pursuant to F.S. § 218.391, or any other topics as assigned by the town council.*

Responsibilities:

1. Auditor Selection:
 - a. Establish the RFP criteria prior to issuance
 - b. Evaluate RFPs for external audit services
 - c. Review and rank at least three qualified firms (or all firms responding, if fewer than three) based on RFP.
 - d. Submit its recommendation to the Town Manager
2. Reviewing Financial Audit:
 - a. Review of the Annual Comprehensive Financial Report (ACFR)
 - b. Review of the Annual Independent Auditor's Report and audit findings
3. Monitoring Corrective Action:
 - a. Review and follow-up on any findings or recommendation corrective actions

Bay Oaks Recreational Campus Advisory Board (BORCAB)

Pursuant to Section 2-94(3), Town of Fort Myers Beach Code of Ordinances - Qualifications and appointments of members:

- (3) *Bay Oaks Recreational Campus Advisory Board. The purpose of BORCAB is to serve the town as a community center and recreational facility providing individuals and groups passive and active recreational, social and community activities and events for both residents and visitors. BORCAB members shall work closely and in cooperation with the parks and recreation director, and advise the town council regarding matters concerning the Bay Oaks Recreational Campus and the community pool; or any other topics as assigned by the town council.*

Cultural & Environmental Learning Center (CELCAB)

Pursuant to Section 2-94(5), Town of Fort Myers Beach Code of Ordinances - Qualifications and appointments of members:

- (5) *Cultural and environmental learning center advisory board. The broad objectives of CELCAB are to ensure and promote the mission of the Mound House and Newton Beach Park to be accomplished through stewardship, advocacy and oversight according to best practices of museums and the requirement as stated in the Florida Communities Trust Agreements for each property. The CELCAB shall advise the town council on these matters or any other topics as assigned by the town council.*

Marine and Environmental Resources Task Force (MERTF)

Pursuant to Section 2-94(6), Town of Fort Myers Beach Code of Ordinances - Qualifications and appointments of members:

- (6) Marine and environmental resource task force. The broad objectives of MERTF are to further the welfare of the business owners, residents, and visitors of the town by helping to promote a better, more healthful, safe, and attractive community environment and to ensure that the unique and natural characteristics of our marine and environmental resources are preserved; or any other topics as assigned by the town council.*

Public Safety Committee (PSC)

Pursuant to Section 2-94(7), Town of Fort Myers Beach Code of Ordinances - Qualifications and appointments of members:

- (7) Public safety committee. The PSC shall address any safety and transportation issues specifically assigned to the committee by the town council for the purpose of the health, safety and welfare of the business owners, residents, and visitors to the town. The committee shall review, discuss, and evaluate the most significant safety and transportation issues within the town. The PSC shall advise the town council on these matters or any other topics as assigned by the town council.*

ADVISORY COMMITTEE COMMUNICATION STRUCTURE

Clear Communication. Strong Support. Informed Recommendations.



1. **Request:**

Meeting Date: August 6, 2026

Discussion on Sea Turtle Conservation Ordinance

Why the action is necessary:

What the action accomplishes:

2. **Agenda:**

ITEMS FOR DISCUSSION

3. **Requirement/Purpose:**

5. **Background:**

Attachments:

1. Town Lighting Policy 2026
2. Lighting Standards Code - Fort Myers Beach, FL Code of Ordinances
3. Sea Turtle Conservation Code - Fort Myers Beach, FL Code of Ordinances

Financial Impact:

6. **Alternative Action**

7. **Staff Recommendations:**

8. **Recommended Approval:**

Date: July 10, 2026

Frankie Kropacek, Community Development Director

Date: July 14, 2026

Joe Onzick, Finance Director

Date: July 14, 2026

nancy stuparich, Town Attorney

Date: July 15, 2026

Amy Baker, Town Clerk



Date: July 15, 2026

William McKannay, Town Manager

Town Lighting Policy

Lighting Standards Code & Sea Turtle Conservation Code

Town Codes

- **LIGHTING STANDARDS**

- Sec. 34-1831
- Purpose:
 - curtail and reverse the degradation of the night-time visual environment
 - minimize light pollution, glare, and light trespass
 - conserve energy and resources
 - maintain night-time safety, utility, security and productivity
- Applicability
 - All new luminaires, regardless of whether a development order is required, must comply with the provisions and standards of this division

Town Codes

- **Sea Turtle Conservation**

- Sec. Sec. 32-101 to 102

- Purpose:

- protect nesting and hatchling sea turtles on the beaches in the Town
 - ensure that nesting habitat is not degraded by artificial light

- Applicability

- all properties within the town that may produce artificial light directly, indirectly, or cumulatively visible from any portion of the beach, regardless of whether those properties are beachfront properties
 - all buildings and related infrastructure, including landscaping, as well as all other activities that may adversely impact sea turtles

Town Codes

- **When is a Lighting Review Required?**
 - Prior to issuance of development order or building permit for new structures, new construction, and improvements to existing structures for
 - All structures waterward of 1991 CCCL
 - All multi-family and commercial structures landward of 1991 CCCL

What is a Lighting Review Reviewing?

- Light Standards (Sec. 34-1833)
 - Illuminance = Brightness
 - Photometric Data (Commercial & Multifamily (3+) Only)
 - Must meet minimum and maximum standards
 - Measured in Lumens, Footcandles, Watts
 - Lamp Standards = Bulb/LED Type & Color
 - Must be in harmony with the adjacent community
 - Consistent with the task and setting
 - Should not create a mix of colors

What is a Lighting Review Reviewing?

- Light Standards (Sec. 34-1833)
 - Luminaire Standards = Light Fixtures
 - Fully shielded, full cutoff recessed bulbs and flat lenses are the only permitted fixtures for outdoor lighting
 - Exceptions
 - 20 watt bulbs unshielded
 - 60 watt bulbs shielded
 - Motion Detector Lights (must be properly configured)
 - 60 Watt Flood Lights (must be properly configured)
 - All externally illuminated signs (shielded fixtures mounted at the top of the sign, aimed downward)
 - Fixtures used to accent architectural features and landscaping

What is a Lighting Review Reviewing?

- Light Standards (Sec. 34-1833)
 - Mounting Standards = Light Poles
 - Placement on Interior of Site Preferred
 - 15 Foot Mounting Height
 - Except within 50 feet of Residentially Zoned = 12 Foot MH
 - Exception for existing poles
 - Building Mounted
 - Must be attached to walls
 - MH may not exceed lowest point of roof or parapet
 - Canopy Lighting
 - Must be fully shielded full cutoff fixtures

What is a Lighting Review Reviewing?

- Light Standards (Sec. 34-1833)
 - When specific standards are not addressed in these sources, the standards of the Illuminating Engineering Society of North America (IESNA) will apply
 - In addition to the standards and criteria in this section, there are standards for artificial lighting near sea turtle nesting habitat
 - = **Sea Turtle Conservation Code**

What is a Lighting Review Reviewing?

- Sea Turtle Conservation Code (Sec. 32-105)
 - All artificial lighting affixed to the exterior of new permanent structures, construction or additions shall be:
 - long wavelength
 - downward directed
 - full cutoff
 - fully shielded (exception for lights on landward side of building)
 - mounted as close to the ground as possible
 - Must achieve required foot candles
 - Florida Building Code
 - Department of Health

Why do we need lighting reviews?

- Human Health and Safety
 - Not too Bright, Not too Dark
 - Not subjective - Use Illuminance Guidelines in Code
- Sea Turtle Conservation
 - Increase hatchling survival rates for species recovery
 - Sea Turtles are natural light detectors

Existing Lights Reviewed?

- Requested to be included in Lighting Plan submittal
- Not always in scope of project to be review-able
- Just replacing lights that were here before...
- *What does Code Say?*
 - Sec. 34-1834 (c) Existing light fixtures must be brought into compliance with this code by January 1, 2010.
 - Any fixtures replaced after the date of the adoption of this code must be replaced with fixtures that comply with the standards established herein.
 - Illuminance levels specified in this code apply to all outdoor lighting.
 - Sec. 32-106. Existing artificial lighting affixed to the exterior of permanent structures shall not be directly, indirectly, or cumulatively visible from any portion of the beach during sea turtle nesting season.

What is TFMB Policy?

- Directly visible from the Beach
 - Long wavelength light source
 - In downward directed fixture
 - Light source is shielded from the beach
- Includes structures that are NOT beach front
 - Why?
 - Hurricane Ian removed vegetation and structures that previously shielded light
 - View corridors must be assessed 270 degrees from source
 - Estero Island is S-shaped
 - Lights can be visible from multiple angles
 - Can be visible from other beaches!



What is TFMB Policy?

- Indirectly visible from the Beach
 - Long wavelength light source
 - Not required to be shielded provided light is not directly, indirectly, or cumulatively visible from any portion of the beach
 - Must still comply with Light Standards Code

What is TFMB Policy?

- Cumulatively visible from the Beach
 - *What does that even mean???*
 - Sec. 32-103 Cumulatively visible means light from numerous artificial light sources on a single property that as a group are directly or indirectly visible to an observer standing anywhere on the beach.
 - Cumulatively visible light results in sky glow disorienting sea turtles away from the ocean
 - If lighting is not directly or indirectly visible from anywhere on the beach, then it must still comply with the Lighting Standards Code such that it is not cumulatively visible

Do Your Part To Make Sea Turtle Nesting Season A SUCCESS!

- Lighting Resources:
 - seaturtlelighting.net
 - greenlightingwholesale.com
 - homedepot.com
- Lighting Professionals:
 - Glenn Holland – glenn.holland@worldelectricsupply.com
 - Jay Tiech – jteich@priceelectric.us
 - CJ Hahn – cj@synergylightingsupply.com
- Lighting Info:
 - [Florida Fish and Wildlife Conservation Commission](#)
 - [Sea Turtle Conservancy](#)

DIVISION 20. - LIGHTING STANDARDS

Sec. 34-1831. - Purpose and applicability of division.

(a) *Purpose.* The purposes of this division are:

- (1) To curtail and reverse the degradation of the night-time visual environment by minimizing light pollution, glare, and light trespass through regulation of the form and use of outdoor lighting; and
- (2) To conserve energy and resources while maintaining night-time safety, utility, security and productivity.

(b) *Applicability.* All new luminaires, regardless of whether a development order is required, must comply with the provisions and standards of this division.

(c) *Exemptions.* The following are generally exempt from the provisions of this division:

- (1) Emergency lighting required for public safety and hazard warning luminaires required by federal or state regulatory agencies;
- (2) Outdoor light fixtures producing light directly by the combustion of fossil fuels such as kerosene and natural or bottled gas;
- (3) Low wattage holiday decorative lighting fixtures (comprised by incandescent bulbs of less than eight watts each or other lamps of output less than 100 lumens each) used for holiday decoration; and
- (4) Lighting for public roads except as provided in § 14-77 of this LDC.

Sec. 34-1832. - Definitions.

The following words, terms and phrases, when used in this division, shall have the following meanings, unless the context clearly indicates a different meaning:

Back-lighted means a surface that is at least partially transparent and is artificially illuminated from behind.

Direct light means light emitted directly from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

Footcandle means the quantify of light striking a surface, measured in lumens per square foot.

Full cutoff means that a light fixture in its installed position does not emit any light, either directly or by reflection or diffusion, above a horizontal plane running through the lowest light-emitting part of the fixture. Additionally, the fixture in its installed position does not emit more than ten percent of its total light output in the zone between:

- (1) The horizontal plane through the lowest light-emitting part of the fixture, and
- (2) Ten degrees below the horizontal plane (80 degrees above the vertical plane).

Lumen means a unit of light emission. For example, incandescent light bulbs with outputs of 60, 75, and 100 watts emit approximately 840, 1170, and 1690 lumens respectively.

Luminaire means a complete unit for producing artificial light, commonly referred to as a lighting fixture.

Mercury vapor means a high-intensity discharge light source that is filled with mercury gas under pressure and which emits a blue/white light.

Non-essential lighting means lighting that is not necessary for an intended purpose after the purpose has been served. For example, lighting for a business sign, architectural accent lighting, and parking lot lighting may be considered essential during business or activity hours, but is considered non-essential once the activity or business day has concluded.

Shielded means that an outdoor light fixture that is fully and permanently blocked by a physical device or by its integral design from discharging light in specific directions.

Sec. 34-1833. - Technical standards for lighting.

- (a) *Generally.* This section contains minimum and maximum standards that apply whenever outdoor lighting is provided.
 - (1) In addition to the standards and criteria in this section, there are standards for artificial lighting near sea turtle nesting habitat in ch. 14, article II of this code.
 - (2) When specific standards are not addressed in these sources, the standards of the Illuminating Engineering Society of North America (IESNA) will apply.
- (b) *Specific standards.*
 - (1) *Illuminance.* The following table indicates minimum and maximum illumination levels. These levels are specified for general use categories and are measured in footcandles on the task surface (for example, the lighted parking lot or walkway) with a light meter held parallel to the ground, facing up, unless otherwise specifically stated.

Use/Task	Minimum (1)	Maximum (average) (1), (2), (3), (4)
PARKING LOTS - MULTIFAMILY:		
Medium vehicular/pedestrian activity	0.8	3.2

Low vehicular/pedestrian activity	0.3	1.2
PARKING LOTS - COMMERCIAL/INSTITUTIONAL/MUNICIPAL:		
Medium activity, e.g., major shopping districts, cultural/civic/recreational facilities	0.8	3.2
Low activity, e.g., neighborhood retail, offices, employee parking, school/church parking	0.3	1.2
NONRESIDENTIAL WALKWAYS & BIKEWAYS	0.3	1.5
CANOPY OVER FUEL PUMPS	6.0	30.0
<i>NOTES:</i>		
(1) The specified illumination levels are the initial levels to be measured at the time of final inspection for a certificate of compliance. Outdoor lighting must be maintained so the average illumination levels do not increase above the specified maximum values. The minimum illumination levels may decrease over time consistent with the Light Loss Factor (LLF) associated with the installed fixtures.		
(2) In no case may the illumination exceed 0.5 footcandles measured at the property line. The amount of illumination projected onto a residentially zoned property or use from another property may not exceed 0.2 footcandles measured at 10 feet from the property line onto the adjacent residential property.		
(3) Maximum values listed in this column are the average of actual measurements taken throughout the lighted area at the time of final inspection.		
(4) Where all-night safety or security lighting is to be provided, the lighting intensity levels should provide the lowest possible illumination to discourage crime and undesirable activity and to effectively allow surveillance, but may not exceed 50 percent of the levels normally permitted for the use as specified in this code.		

- (2) *Lamp standards.* Lamp types and colors must be in harmony with the adjacent community, any special circumstances existing on the site, and with surrounding installations. Lamp types must be consistent with the task and setting and should not create a mix of colors unless otherwise specifically approved by the director for a cause shown. Specifically, mercury vapor lamps are prohibited. Lighting of outdoor recreational facilities (public or private) such as athletic fields and tennis courts is exempt from the lamp type standards provided that all other applicable provisions are met.
- (3) *Luminaire (fixture) standards.* Fully shielded, full cutoff luminaires with recessed bulbs and flat lenses are the only permitted fixtures for outdoor lighting, with the following exceptions:
- a. Luminaires that have a maximum output of 260 lumens per fixture (the approximate output of one 20-watt incandescent bulb), regardless of number of bulbs, may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
 - b. Luminaires that have a maximum output of 1,000 lumens per fixture (the approximate output of one 60-watt incandescent bulb), regardless of number of bulbs, may be partially shielded, provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.
 - c. Sensor-activated lighting may be unshielded provided that:
 1. The light is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way; and
 2. The light is set to only go on when activated and to go off within five minutes after activation has ceased; and
 3. The light must not be triggered by activity off the property.
 - d. Flood or spot luminaires with a lamp or lamps rated at 900 lumens or less may be used except that no spot or flood luminaire may be aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, or directed skyward, or directed towards the shoreline areas.
 1. The luminaire must be redirected or aimed so that illumination is directed to the designated areas and its light output controlled as necessary to eliminate such conditions.
 2. Illumination resulting from such lighting must be considered as contributing to the illumination levels specified herein.
 - e. All externally illuminated signs must be lighted by shielded fixtures mounted at the top of the sign and aimed downward. Illumination resulting from sign lighting must be considered as contributing to the illumination levels specified herein.
 - f.

Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art must be located, aimed, and shielded so that light is directed only on those features. Such fixtures must be aimed or shielded to minimize light spill onto adjacent properties or into the night sky in conformance with illumination and luminaire standards.

g. All non-essential exterior commercial lighting must be turned off after business hours.

(4) *Luminaire mount standards.* The following standards apply to luminaire mountings:

- a. *Freestanding luminaires.* Light poles must be placed on the interior of the site. When light poles are proposed to be placed on the perimeter of the site, specific consideration should be addressed to compliance with the illumination standards at the property line and off the property onto adjacent residential property. The maximum height of light poles for parking lots and vehicular use areas may not exceed 15 feet measured from the ground level directly below the luminaire to the bottom of the lamp itself (see additional restrictions in ch. 14 of this LDC for luminaires near sea turtle nesting habitat). Light poles located within 50 feet of a residentially zoned property or use may not exceed 12 feet. Poles used to illuminate pedestrian walkways may not exceed 12 feet. Lighting of outdoor recreational facilities (public or private) such as athletic fields and tennis courts is exempt from the mounting height standards provided that all other applicable provisions are met.
- b. *Building-mounted luminaires.* These luminaires may only be attached to the building walls and the top of the fixture may not exceed the height of the parapet for flat-roofed buildings or the lowest point on the nearest sloped roof.
- c. *Canopy lighting.* Luminaires mounted on the underside of a canopy must be fully shielded full cutoff fixtures. As an alternative (or supplement) to canopy ceiling lights, indirect lighting may be used where the light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy. No part of the canopy may be back-lighted. Lights may not be mounted on the top or sides (fascias) of the canopy. The sides (fascias) of the canopy may not be illuminated in any manner.
- d. *Trees and landscaping.* To avoid conflicts, locations of all light poles and fixtures must be coordinated with the locations of all trees and landscaping whether existing or shown on the landscaping plan. Vegetation screens may not be employed to serve as the means for controlling glare. Glare control must be achieved through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement.

- (a) *Development order and building permit criteria.* The applicant for any development order or building permit involving outdoor lighting fixtures, must submit as part of the application evidence that the proposed work will comply with the outdoor lighting standards of this code. Specifically the submission must include the following:
- (1) Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
 - (2) A detailed description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description must include manufacturer's catalogue cuts and drawings, including pictures, sections, and proposed wattages for each fixture.
 - (3) All applications for development orders or building permits, except for single-family and two-family building permits, must provide photometric data, such as that furnished by the manufacturer of the proposed illuminating devices, showing the angle of cutoff and other characteristics of the light emissions including references to the standards contained herein.
 - (4) All applications for development orders or building permits, except for single-family and two-family building permits, must provide photometrics in initial footcandles output for all proposed and existing fixtures on-site shown on a 20-foot by 20-foot grid on an appropriately scaled plan. On-site lighting to be included in the calculations must include, but is not limited to, lighting for parking lot, canopies, and building-mounted and recessed lighting along the building facades and overhangs. The photometric plan must include a table showing the average, minimum, and maximum footcandles of illumination on the site and within 50 feet of the site and the calculations deriving the averages. Evidence must be provided demonstrating that the proposed lighting plan will comply with the requirements of this code. The use of a light loss factor (LLF) is not permitted in these photometrics. This photometric plan must be coordinated with the landscape plan to identify the location of trees and other landscaping features with respect to the lighting devices. Rejection or acceptance of the photometric plan will be based on this code.
- (b) *Compliance.*
- (1) Prior to the final inspection for a certificate of compliance pursuant to § 10-183 of this LDC, site-verified footcandle readings must be provided demonstrating that the outdoor lighting, as installed, conforms with the proposed photometrics and the letter of substantial compliance provided by a registered professional engineer must include a certification that the outdoor lighting is in compliance with this code.
 - (2) If any outdoor light fixture or the type of light source therein is changed after the permit or development order has been issued, a change request or development order amendment must be submitted for approval together with adequate information to assure compliance

with this code. This request or amendment must be approved prior to the installation of the proposed change.

(3) Outdoor lighting must be maintained in compliance with this code.

- (c) *Existing outdoor lighting.* Light pole height requirements do not apply to existing light poles. Existing light fixtures must be brought into compliance with this code by January 1, 2010. Any fixtures replaced after the date of the adoption of this code must be replaced with fixtures that comply with the standards established herein. Illuminance levels specified in this code apply to all outdoor lighting.

Secs. 34-1835—34-1860. - Reserved.

ARTICLE V. - SEA TURTLE CONSERVATION

Sec. 32-101. - Article purpose and objectives.

The purpose of this article is to protect nesting and hatchling sea turtles on the beaches in the Town of Fort Myers Beach ("town") by ensuring that their nesting habitat is not degraded by artificial light. The objective of the article is to ensure artificial light does not interfere with sea turtle nesting and hatching events through the appropriate design and implementation of coastal lighting systems. To further the objective of full implementation, this article also includes provisions designed to educate residents and beach users in the town on the benefits of appropriate coastal lighting and provides for weekly inspections to ensure compliance with the acceptable lighting standards.

(Ord. No. 20-04, § 3, 2-18-2020; Ord. No. 22-11, § 2, 8-15-2022)

Sec. 32-102. - Applicability.

The provision of this article shall apply to all properties within the town that may produce artificial light directly, indirectly, or cumulatively visible from any portion of the beach, regardless of whether those properties are beachfront properties; and to all buildings and related infrastructure, including landscaping, as well as all other activities that may adversely impact sea turtles.

(Ord. No. 20-04, § 3, 2-18-2020)

Sec. 32-103. - Definitions.

For the purposes of this article, the following words and phrases will have the meanings respectively ascribed to them by this section unless the context clearly indicates otherwise:

Artificial light means the light emanating from any human-made device.

Beach means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation.

Certified wildlife lighting means lighting fixtures and bulbs reviewed and approved with conditions of use through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process and published at <https://myfwc.com/conservation/you- conserve/lighting/criteria/certified/>.

Cumulatively visible means light from numerous artificial light sources on a single property that as a group are directly or indirectly visible to an observer standing anywhere on the beach.

Directly visible means visibility of the glowing elements, lamps, globes, or reflectors of an artificial light source by an observer standing anywhere on the beach.

Disorientation means an event caused by direct, indirect, or cumulative artificial lighting on sea turtle nesting habitat resulting in the disruption in the ability of nesting sea turtle females and sea turtle hatchlings to find the sea from the beach.

Footcandle means the English unit for measuring illuminance; the uniform illumination of a surface one foot away from a point source of one candela; one lumen per square foot equals to 10.76 lux.

Frontal dune means the first natural or man-made mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.

Full cutoff means a lighting fixture constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the luminaire, is projected at or above 90 degrees as determined by photometric test or certified by the manufacturer.

Fully shielded means a lighting fixture constructed in such a manner that the glowing elements, lamps, globes, or reflectors of the fixture are completely covered by an opaque material to prevent them from being directly visible from the beach. Any structural part of the light fixture providing this shielding must be permanently affixed.

Indirectly visible means visibility of reflected light because of glowing elements, lamps, globes, or reflectors of an artificial light source which is visible to an observer standing anywhere on the beach without the light source being directly visible.

Lighting plan means plan view and cross section drawings describing location, number, wattage, wavelength, elevation, orientation, fixture cut sheets, and all types of proposed exterior artificial light sources, including, but not limited to, artificial lighting affixed to permanent structures, outdoor lighting, pool lighting, and internally or externally lighted signs.

Long wavelength means a luminaire emitting light wavelengths of 560 nanometers or greater and absent wavelengths below 560 nanometers. Lamps that meet the definition of long wavelength using filters, gels, or lenses are not permitted.

Nesting season means the nesting period for sea turtles is from May 1 through October 31 of each year. Nesting season may be extended before or after these dates on an annual basis based on nesting activity observed in the Town of Fort Myers Beach.

New construction means all new construction of or additions to buildings, pools, pavement, other structures, landscape areas or lighting systems, including the change or resumption of land use.

Nighttime means the locally effective time between sunset and sunrise.

Non-egress lighting means lighting that is not being used to light a distinct path or meet minimum requirements for emergency egress, including, but not limited to, decorative lights (e.g., Christmas lights, strobe lights, string lights, etc.), balcony lights, ceiling fan lights, landscape lights, and uplights.

Outdoor area means any portion of a property that could have an artificial light source not attached to a permanent structure, including, but not limited to, pathway lighting, landscape lighting, pool lighting, etc.

Sea turtle means any turtle, including all life stages from egg to adult, of these species: Green (*Chelonia mydas*), Leatherback (*Dermochelys coriacea*), Loggerhead (*Caretta caretta*), Hawksbill (*Eretmochelys imbricata*), and Kemp's Ridley (*Lepidochelys kemp*). For the purposes of this article, the term sea turtle is synonymous with marine turtle.

Sea turtle nesting habitat means all sandy beaches adjoining the waters of the Atlantic Ocean, the Gulf of Mexico, and the Straits of Florida in all coastal counties and all inlet shorelines of those beaches. Nesting habitat includes all sandy beach and unvegetated or vegetated dunes immediately adjacent to the sandy beach and accessible to nesting female turtles.

Take means an act that kills or injures marine turtles and includes significant habitat modification or degradation that kills or injures marine turtles by significantly impairing essential behavioral patterns, such as breeding, feeding, or sheltering.

Temporary lighting means any non-permanent light source that may be hand-held or portable including, but not limited to, tiki torches, lanterns, flashlights (including cell phone flashlights), candles, flash photography, etc.

Tinted glass means glass modified via tinting, film, or other material to reduce the inside to outside light transmittance value to 45 percent or less.

Window and door schedule means a detailed list of window and door manufacturers, models, types, sizes, locations, hardware, and installation details. The window and door schedule for non-opaque windows and doors shall include the visible transmittance rating from the National Fenestration Rating Council.

Window coverings means any type of attachments or materials used to cover a non-opaque window or door either internally or externally to reduce light and energy transmittance through windows and doors. Types of window coverings include blinds, shades, curtains, shutters, tinted plastic films. Window coverings with a lower visual transmittance rating by the attachment energy rating council are preferred.

(Ord. No. 20-04, § 3, 2-18-2020; Ord. No. 21-03, § 2, 4-5-2021; Ord. No. 22-11, § 2, 8-15-2022)

Sec. 32-104. - Annual public notice.

At least 30 days prior to the commencement of every sea turtle nesting season, the town shall provide written notice summarizing the provisions contained in this article.

Sec. 32-105. - Exterior and interior lighting affixed to new structures, new construction and improvements to existing structures.

- (a) All artificial lighting affixed to the exterior of new permanent structures, construction or additions shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required footcandles.
- (b) As an exception to subsection (a) above, all non-egress lighting may be affixed to the landward exterior of permanent structures provided that the fixtures are fitted with a long wavelength source and are shall not be directly, indirectly, or cumulatively visible from any portion of the beach.
- (c) Lighting at egress points shall be limited to the minimum number of fixtures and footcandles necessary to meet federal, state, and local safety requirements.
- (d) Locations including, but not limited to, stairwells, elevators, parking garages, or courtyards shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach. Window film, tinting, light screens, shades or curtains shall be used to block visibility of interior lights from the beach. Light screens shall be used on open or enclosed staircases on the seaward or shore-perpendicular side of a building or for parking garages to limit visibility of lights from the nesting beach.
- (e) All non-opaque windows, walls, railings, and doors on the seaward and shore-perpendicular sides included in any new construction of structures located seaward of the Coastal Construction Control Line as defined by F.S. § 161.053, as the same may be amended from time-to-time, shall utilize glass with an inside to outside light transmittance value of 45 percent or less and be fitted with a window covering.
- (f) All renovations, retrofitting, and replacement of non-opaque windows, walls, railings, and doors on the seaward and shore-perpendicular sides of structures located seaward of the Coastal Construction Control Line, as defined by F.S. § 161.053, as the same may be amended from time-to-time, shall utilize glass with an inside to outside light transmittance value of 45 percent or less and be fitted with a window covering.
- (g) Emergency lights shall be on a separate circuit and activated only during power outages or other situations in which emergency lighting is necessary for public safety.
- (h) Prior to issuance of a development order or building permit for all new structures, new construction, and improvements to existing structures seaward of the Coastal Construction Control Line as defined by F.S. § 161.053, as the same may be amended from time-to-time, a town approved lighting plan and window and door schedule meeting the provisions of this article and chapter 34, article IV, division 20, Lighting Standards is required.

- (i) Prior to issuance of a development order or building permit for all multifamily, commercial, and industrial new structures, new construction, and improvements to existing structures landward of the Coastal Construction Control Line as defined by F.S. § 161.053, as the same may be amended from time-to-time, a town approved lighting plan and window and door schedule meeting the provisions of this article and chapter 34, article IV, division 20, Lighting Standards is required.
- (j) Prior to the issuance of a certificate of occupancy (CO) or a certificate of completion (CC), the exterior and interior lighting of new development and window coverings shall be inspected after dark by the town, with all exterior and interior lighting turned on, to determine compliance with the approved lighting plan, window and door schedule and this article.
- (k) Prior to the issuance of a certificate of occupancy (CO) or a certificate of completion (CC), all glass windows, window coverings, walls, railings, and doors on the seaward and shore-perpendicular sides of structures located seaward of the Coastal Construction Control Line, as defined by F.S. § 161.053, as the same may be amended from time-to-time, included in new construction and replacement shall be inspected to determine compliance with the town approved lighting plan and window and door schedule, meeting the provisions of this article and chapter 34, article IV, division 20. All manufacturer specification stickers, including the National Fenestration Rating Council label, shall remain affixed to all glass windows, walls, railings, and doors on the seaward and shore-perpendicular sides of any new construction and replacements until the town's inspection is complete to determine compliance with the approved lighting plan and window and door schedule.

(Ord. No. 20-04, § 3, 2-18-2020; Ord. No. 21-03, § 2, 4-5-2021; Ord. No. 22-11, § 2, 8-15-2022)

Sec. 32-106. - Existing exterior and interior lighting.

- (a) Existing artificial lighting affixed to the exterior of permanent structures shall not be directly, indirectly, or cumulatively visible from any portion of the beach during sea turtle nesting season.
- (b) Appropriate techniques for existing exterior lighting to achieve compliance with the provisions of this article include, but are not limited to:
 - (1) Reposition, modify or remove existing lighting fixtures so that the point source of light or any reflective surface of the light fixture is no longer directly, indirectly, or cumulatively visible from the beach;
 - (2) Replace fixtures having an exposed light source with fully shielded fixtures;
 - (3) Replace any light source, light bulb or lamp that is not long wavelength (e.g., incandescent, fluorescent, or high intensity lighting) with the lowest wattage long wavelength (e.g., LED, or low-pressure sodium) light source or lamp available for the specific application;
 - (4) Replace non-directional fixtures with directional fixtures that are directed downward and away from the beach;

- (5) Provide shields for fixtures visible from the beach and not practical to immediately be replaced. Beachside shields are to cover 270 degrees and extend below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;
- (6) Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;
- (7) Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;
- (8) Construct a ground level barrier to shield light sources from the beach. Ground-level barriers must not interfere with sea turtle nesting or hatchling emergence, or cause short- or long-term damage to the beach and dune system;
- (9) Permanently remove or permanently disable any fixture which cannot be brought into compliance with the provisions of these standards;
- (10) Televisions shall be shielded or positioned such that they are not directly, indirectly, or cumulatively visible from the beach.
- (c) Interior lighting shall not be directly, indirectly, or cumulatively visible from any portion of the beach during sea turtle nesting season.
- (d) Appropriate techniques to achieve compliance for interior lighting with the provisions of this article include, but are not limited to the following measures to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:
 - (1) Apply window tint or film that reduces the inside to outside light transmittance to 15 percent or the darkest tint practicable;
 - (2) Rearrange lamps and other moveable fixtures away from windows;
 - (3) Use opaque shades or room darkening window treatments (e.g., blinds, curtains, screens) to shield interior lights from the beach;
 - (4) Use artificial lighting that is long wavelength and shielded from the beach;
 - (5) A combination of the above techniques may be required to achieve compliance with this article.

(Ord. No. 20-04, § 3, 2-18-2020; Ord. No. 21-03, § 2, 4-5-2021; Ord. No. 22-11, § 2, 8-15-2022)

Sec. 32-107. - Outdoor areas.

- (a) All lighting of outdoor areas shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required footcandles.
- (b)

All pathway lighting shall utilize low-level fixtures that do not exceed 42 inches in height. Fixtures shall be downward directed and utilize long wavelength lamps and beachside shields.

- (c) All non-egress outdoor lighting shall not be directly, indirectly, or cumulatively visible from any portion of the beach.
- (d) Internally or externally lighted signs shall not be located on the seaward and shore-perpendicular sides of any structures, and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.
- (e) Ponds and fountains on the seaward and shore-perpendicular sides of any structures shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.
- (f) Fire, including cooking fires, bonfires and fire pits, if permitted by the town, shall be shielded with an opaque structure or partition, and positioned such that the flame is not directly, indirectly, or cumulatively visible from any portion of the beach.
- (g) Televisions shall be located landward of the dune and shall be shielded or positioned such that they are not directly, indirectly, or cumulatively visible from the beach.
- (h) Handheld and other portable temporary lighting shall not be directed toward or used in a manner that disturbs sea turtles or other coastal wildlife.

(Ord. No. 20-04, § 3, 2-18-2020)

Sec. 32-108. - Parking areas.

- (a) All lighting of parking areas shall be long wavelength, downward directed, full cutoff, fully shielded, and mounted to the minimum level required to maintain compliance with federal, state and local law.
- (b) Parking area lighting shall be shielded from the beach via vegetation, natural features, or artificial structures rising from the ground. These shall prevent artificial light sources, including but not limited to, vehicular headlights, from producing light that is directly, indirectly, or cumulatively visible from any portion of the beach.
- (c) Lighting of parking areas shall produce no more lighting than the minimum requirement as outlined by federal, state and local law.
- (d) Lighting of parking areas shall consist of either:
 - (1) Ground-level, downward-directed fixtures, equipped with interior dark non-reflective baffles or louvers, mounted either with a wall mount, on walls or piles, facing away from the beach, or
 - (2) Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, measured from the bottom of fixture, equipped with downward-directed louvers that completely hide the light source, and externally shielded 180 degrees on the side facing the beach, or

(3) Pole-mounted lights, if required, which shall:

- a. Only be used in parking areas when mounting the lights at lower elevations cannot practicably comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety.
- b. Located on the landward sides of buildings and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.
- c. Mounted at the minimum height necessary to meet the minimum light level requirement.
- d. Downward-directed onto non-reflective surfaces.

(4) Equipment yards, storage yards, and temporary security lights shall also adhere to the lighting restrictions contained herein.

(Ord. No. 20-04, § 3, 2-18-2020)

Sec. 32-109. - Pool areas.

- (a) Lighting of pool decks, pool facilities, swimming pools, and spas shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible to achieve the required footcandles.
- (b) Lighting of the pool water surfaces and the pool wet deck surfaces shall comply with the minimum light levels set forth in applicable federal and state laws designed to protect public safety.
- (c) Above-water lighting of pool decks, pool facilities, swimming pools, and spas shall otherwise adhere to the applicable requirements for acceptable light fixtures set forth herein.
- (d) Underwater lighting of pools or spa light shall:
 - (1) Be mounted horizontally in the wall,
 - (2) Not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach, and
 - (3) Shall comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety.

(Ord. No. 20-04, § 3, 2-18-2020)

Sec. 32-110. - Pier structures.

- (a) Lighting of pier structures projecting over the beach or over water shall be long wavelength, downward directed, and fully shielded.
- (b) Lighting of pier structures projecting over the beach, or over water, shall be mounted no higher than 42 inches above the deck surface. These shall be directed onto the deck surface only, preventing light pollution or light spillage beyond the walking surface.

- (c) Lighting of pier structures projecting over the beach or over water shall comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety.

(Ord. No. 20-04, § 3, 2-18-2020)

Sec. 32-111. - Dune walkovers and beach access points.

- (a) Lighting of beach access points shall be restricted to that portion of the structure landward of the dune. All lighting of beach access points shall be long wavelength, downward directed, full cutoff and fully shielded and shall not be directly, indirectly, or cumulatively visible from the beach.
- (b) Lights are allowable on dune walkovers or elevated boardwalks only as required for building code purposes and may only be installed landward of the frontal dune. Walkover lighting shall not be directly, indirectly or cumulatively visible from the beach.

(Ord. No. 20-04, § 3, 2-18-2020)

Sec. 32-112. - Special events, vehicles, raking and temporary lighting.

- (a) All special events or construction taking place on or adjacent to the beach require a permit from the town and may require a permit from the Florida Department of Environmental Protection.
- (b) Lighting associated with a special event that may directly, indirectly, or cumulatively be visible from any portion of the beach shall not be authorized at nighttime during sea turtle nesting season.
- (c) The operation of all vehicles, except emergency and law enforcement vehicles or those permitted on the beach for sea turtle conservation in accordance with F.S. § 379.2431, as the same may be amended from time-to-time, or other research and conservation, shall be prohibited on the beach at nighttime during sea turtle nesting season. Excepted, non emergency vehicles shall affix red filter to their headlights when operating on sea turtle nesting habitat at nighttime.
- (d) Beach raking activities during sea turtle nesting season, if permitted by the town, shall not:
 - (1) Operate at nighttime;
 - (2) Begin before 9:00 a.m. or before the completion of daily monitoring for turtle nesting activity by the Florida Fish and Wildlife Conservation Commission (FWC) authorized marine turtle permit holder, whichever occurs first;
 - (3) Occur within ten feet of any marked sea turtle nest.
- (e) Within sea turtle nesting season, temporary work zone lighting for roadway construction, beach renourishment construction, and during declared emergencies shall be directed away from the beach to avoid illumination of or direct visibility from the beach. Work zone luminaires shall be shielded to avoid lighting areas outside of the immediate construction area.
- (f) All other temporary construction lighting shall be:

- (1) Inclusive of all the standards herein, including utilizing fixtures that are long wavelength, downward directed, full cutoff, and fully shielded so light is not directly or indirectly visible from the beach, and
- (2) Turned off during nighttime in sea turtle nesting season, or if temporary lighting is deemed necessary during sea turtle nesting season it shall only be allowed from 7:00 a.m. to 9:00 p.m., must be restricted to the minimal amount necessary, and shall incorporate all the standards herein, and
- (3) Mounted less than eight feet above the adjacent floor or deck, measured from the bottom of fixture, and
- (4) Restricted to the minimal number of footcandles necessary to conform to the applicable construction safety regulations.

(Ord. No. 20-04, § 3, 2-18-2020; Ord. No. 22-11, § 2, 8-15-2022)

Sec. 32-113. - Beach furniture and obstructions.

- (a) Man-made objects shall not obstruct sea turtle nesting habitat during nesting season during nighttime. All obstructions, including, but not limited to, beach furniture, cabanas, umbrellas, tents, personal watercraft, bikes, vehicles, and boats, shall be removed from sea turtle nesting habitat between the hours of 9:00 p.m. and 7:00 a.m. during sea turtle nesting season.
- (b) During sea turtle nesting season, permitted beach furniture vendors shall not place beach furniture onto sea turtle nesting habitat before 9:00 a.m., or prior to the completion of daily monitoring for sea turtle nesting activity by the FWC authorized marine turtle permit holder, whichever comes first.
- (c) No beach furniture or other man-made object shall be placed within ten feet of a marked sea turtle nest.

(Ord. No. 20-04, § 3, 2-18-2020)

Sec. 32-114. - Take and disorientation.

- (a) A person, firm, or corporation shall not cause a disorientation of nesting sea turtles or sea turtle hatchlings.
- (b) A person, firm, or corporation shall not take, disturb, mutilate, destroy, cause to be destroyed, transfer, sell, offer to sell, molest, or harass any sea turtle species or hatchling, or parts thereof, or the eggs or nest of any sea turtle species.

(Ord. No. 20-04, § 3, 2-18-2020)

Sec. 32-115. - Penalties.

- (a) Any violation of this article may be prosecuted in accordance with the provisions set out in section 1-5 and chapter 2, article V of the Land Development Code.
- (b) This article may be enforced by any duly authorized law enforcement officer, town code enforcement officer or town designee.
- (c) The law enforcement officer, town code enforcement officer or town designee is authorized and empowered to make inspections at reasonable hours of all activities regulated by this article in order to ensure compliance with the provisions of this article. Any person who violates any provision of this chapter, or of any regulation or guideline that implements this chapter, shall be ordered immediately to stop all work.
- (d) Any person who takes any action or omission in violation of any provision of this article and fails to cure such violation after proper notice is provided, shall be subject to a fine of up to \$250.00 per day per violation for initial violations, and \$500.00 per day per violation for repeat violations. All penalties incurred as a result of violation of this article shall continue to accrue until such violations are cured.
- (e) Nothing contained herein will prevent the town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this article. Such other lawful action will include, but will not be limited to, an equitable action for injunctive relief or an action at law for damages.

(Ord. No. 20-04, § 3, 2-18-2020)

Secs. 32-116—32-140. - Reserved.

AGENDA MANAGEMENT

Subject	Dept		Mtg Date
Tentative: Final Project results JR Evans - Wave Mitigation Wall	Admin	added 4.8.26	8.6.26 M&P
Tentative: Presentation re: Long Term Recovery Plan	Admin	added 5.20.26	8.6.26 M&P
Tentative: 30% design review re: FMB Community Pool	Community Services	added 5.20.26	8.6.26 M&P
Tentative: Final Project results JR Evans - Wave Mitigation Wall	Admin	added 4.8.26	8.6.26 M&P
Tentative: Presentation re: Long Term Recovery Plan	Admin	added 5.20.26	8.6.26 M&P
Presentation Only: Finding of Necessity Study by AECOM	Admin	added 4.8.26	8.24.26
Citizen of Distinction Nomination pick	Clerk	added 1.30.26	8.24.26
Proposed 2027 Town Council meeting schedule	Clerk	added 6.2.26	8.24.26
Tentative: 30% design review re: FMB Community Pool	Community Services	added 5.20.26	8.6.26 M&P
Tentative: 60% design review re: Newton Beach Park	Community Services	added 5.20.26	8.24.26
ILA: Animal Control Services	Contracts	added 6.4.26	8.24.26
Acceptance of Donation of 180 yards sand	Environmental/Comm Svcs	added 6.8.26	8.24.26
Resolution: Ratifying add'l sand for berm project (approved 6/15)	Environmental/Contracts	added 6.15.26	8.24.26
Raftelis Utility Rate Study	Finance	added 3.23.26	8.24.26
Ordinance: 2nd reading: 26-10; CPD2025086, 1207 Estero (Silver Sands)	P&Z	added 6.16.26	9.9.26 1:00 PM
Ordinance: 2nd reading: 26-02; DA20250277, 6890 Estero Blvd. (Wyndham)	P&Z	added 6.16.26	9.9.26 1:00 PM
1st Reading: Tentative FY27 Millage Rate	Finance	added 6.1.26	9.9.26 5:01 PM
1st Reading: Proposed FY27 Budget	Finance	added 6.1.26	9.9.26 5:01 PM
1st Reading: FY27 Fee Schedule	Finance	added 6.1.26	9.9.26 5:01 PM
2nd Reading: Outrigger items	Council	added 7.17.26	9.15.26 9:00 AM
Final Reading: Final FY27 Millage Rate	Finance	added 6.1.26	9.23.26 5:01 PM
Final Reading: Final FY27 Budget	Finance	added 6.1.26	9.23.26 5:01 PM
Final Reading: FY27 Fee Schedule	Finance	added 6.1.26	9.23.26 5:01 PM
Tentative: 60% design review re: North Water Tower	Utilities	added 5.20.26	10.7.26 M&P
Demonstration of GovWell	Permitting	added 7.15.26	10.7.26 M&P
Proclamation: National Community Planning Month	P&Z	added 2.18.26	2nd Sept. Regular Mtg
Joint Session w/LPA - Evaluating Public Benefits discussion	Council	added 5.7.26	2nd Sept. Regular Mtg
Update to Council re: Strategic Plan	Clerk/Admin	added 7.22.26	11.5.26
Inaguration	Clerk	added 7.23.26	11.23.26
Reorganization of Council (Mayor/Vice Mayor)	Clerk	added 7.23.26	11.23.26
Choose Council liaisons to Town Advisory Committee's	Clerk	added 7.23.26	11.23.26
Choose Council liaisons to Outside Advisory Committee's	Clerk	added 7.23.26	11.23.26
Review Counci Policies & Procedures Manual for updates/changes	Clerk	added 7.23.26	11.23.26
Update to Council re: Strategic Plan	Clerk/Admin	added 7.22.26	5.3.27
Upcoming - no date set			
Discussion regarding Ordinance 17-15, Medical Marijuana Dispensaries	Council	added 12.11.24	TBD
Discussion: Public/Private partnerships (i.e. old Town Hall property)	Council	added 12.11.24	TBD
1st Reading Ordinance 24-xx: Lighting	Environmental	added 4.6.24	To LPA first
1st reading Ordinance 24-xx; Signage	Legal	added 6.17.24	To LPA first
1st reading Ordinance 24-xx; Silt Fencing	Planning	added 6.17.24	To LPA first
Presentation of the 2026 Mayor John Mulholland Stewardship Award	Clerk		September

DEADLINES

All meetings to be held in Town Hall Council Chambers unless otherwise noted

Monday, August 17, 2026 - Regular Town Council - 9:00 AM

Item submittal closes Friday, August 7, 2026 by 2:00 p.m.

Wednesday, September 9, 2026 - Regular Town Council - 9:00 AM

Item submittal closes Friday, August 21, 2026

Wednesday, September 9, 2026 - **1st Budget Hearings - 5:01 PM**

Wednesday, September 23, 2026 - Regular Town Council - 9:00 AM

Item submittal closes Friday, September 4, 2026

Wednesday, September 23, 2026 - **Final Budget Hearings - 5:01 PM**

Monday, October 5, 2026 - Regular Town Council - 9:00 AM

Item submittal closes Friday, September 18, 2026 by 2:00 p.m.

WEDNESDAY, October 7, 2026 - Management & Planning Session - 9:00 AM

Item submittal closes Friday, September 18, 2026 by 2:00 p.m.

Monday, October 19, 2026 - Regular Town Council - 9:00 AM

Item submittal closes Friday, October 2, 2026 by 2:00 p.m.

Monday, November 2, 2026 - Regular Town Council - 9:00 AM

Item submittal closes Friday, October 16, 2026 by 2:00 p.m.

Thursday, November 5, 2026 - Management & Planning Session - 9:00 AM

Item submittal closes Wednesday, October 21, 2026 by 2:00 p.m.

Monday, November 16, 2026 - Regular Town Council - 9:00 AM

Item submittal closes Friday, October 30, 2026 by 2:00 p.m.

Monday, December 7, 2026 - Regular Town Council - 9:00 AM

Item submittal closes Friday, November 20, 2026 by 2:00 p.m.

WEDNESDAY, December 9, 2026 - Management & Planning Session - 9:00 AM

Item submittal closes Wednesday, November 25, 2026 by 2:00 p.m.

Monday, December 21, 2026 - Regular Town Council - 9:00 AM

Item submittal closes Friday, December 4, 2026 by 2:00 p.m.