

**ADMINISTRATIVE CODE  
BOARD OF COUNTY COMMISSIONERS**

<b>CATEGORY:</b> Development/Planning/Zoning	<b>CODE NUMBER:</b> AC-13-18
<b>TITLE:</b> Fire & EMS Impact Fee Ordinance Administrative Code	<b>ADOPTED:</b> 06/24/92
	<b>AMENDED:</b> 01/04/95; 07/01/97; 08/09/05; 8/28/07
	<b>ORIGINATING DEPARTMENT:</b> County Attorney

**PURPOSE/SCOPE:**

The purpose of this administrative code is to guide staff in the administration of the Lee County Land Development Code (LDC) Chapter 2, Article VI, Division 5, (Fire/EMS Impact Fee Regulations). The Code is intended to supplement the provisions of the LDC. If any of the provisions of this Code conflict with the provisions of the LDC, the provisions of the LDC will control.

**POLICY/PROCEDURE:**

**I. ADMINISTRATIVE ORGANIZATION & RESPONSIBILITY**

**A. Impact Fee Administrator/Building Officials**

The County Manager or his designee, will carry out the general administration of the Ordinance. The County Manager is hereinafter referred to in this Code as the "Impact Fee Administrator".

**B. Director of Lee County Department of Public Safety**

The Director of the Lee County Division of Public Safety, or his designee (as used herein the term "Division of Public Safety" will include any successor agency serving the same function and the Director of the Department or any successor agency will be referred to in this Code as the "Public Safety Director") will assist the Impact Fee Administrator in the following areas:

1. Land Use Determination - When a land use is not listed in the fee schedule, or in the list of previously determined miscellaneous land uses, the Public Safety Director will assist the Impact Fee Administrator in determining a fee applicable to the most nearly comparable type of land use on the fee schedule.

2. Independent Fee Calculations - Upon submission of an independent fee calculation, the Public Safety Director will attend pre-application meetings; review the independent fee calculation study for sufficiency, methodology, technical accuracy and findings; and make recommendations to the Impact Fee Administrator concerning the appropriate amount of the impact fee based on the procedures described in the Ordinance and in this Code.
3. Exemptions, Refunds and Recalculations - The Public Safety Director will assist the Impact Fee Administrator in determining whether exemptions from Fire/EMS impact fees are appropriate, refunds are justified or recalculation of the fees necessary in the event of a change of use, redevelopment, or modification of an existing land use.
4. Fee Adjustments - The Public Safety Director will recommend to the Impact Fee Administrator an appropriate Fire/EMS impact fee in response to any claim to a fee adjustment under Section 2-386 of the Ordinance.
5. Fire/EMS Impact Fee Credits - The Public Safety Director recommend whether Fire/EMS Impact Fee credits should be issued for land dedication or construction of facilities and the amount of the credits.

C. The Department of Community Development

The Department of Community Development (as used herein the “Department of Community Development” will include any successor agency serving the same function) will provide advice, information, or other such service upon the request of the Impact Fee Administrator or the Public Safety Director.

D. Participating Municipalities and Fire Districts

The County Manager will consult the affected participating municipality or fire district concerning the need for proposed land dedication or facility construction which will serve as the basis for the issuance of Fire/EMS Impact Fee Credits before authorizing the issuance of those credits.

II. IMPOSITION OF IMPACT FEES

A. Fire Impact Fee

Any person who, after October 1, 1989, seeks to develop land by applying to Lee County or any participating municipality for:

1. the issuance of a building permit, or
2. mobile home move-on permit, or
3. recreational vehicle development order

in order to make an improvement to land for one of the uses which is specified in Section 2-385 and 2-386 of the Ordinance will be required to pay fire impact fees in the manner and amount set forth in the Ordinance and in this Code. However, no fire impact fee will be imposed in regard to the development of land located within a municipality which has not entered into an interlocal agreement with Lee County to collect such impact fees; nor will a fire impact fee be imposed in regard to the development of land located within the area of jurisdiction of a fire district which has not entered into an interlocal agreement with Lee County for the County to collect fire impact fees.

B. EMS Impact Fee

Any person who, after October 1, 1989, seeks to develop land by applying to Lee County or any participating municipality for:

1. the issuance of a building permit, or
2. mobile home move-on permit, or
3. recreational vehicle development order

in order to make an improvement to land for one of the uses which is specified in Section 2-385 and 2-386 of the Ordinance will be required to pay EMS impact fees in the manner and amount set forth in the Ordinance and in this Code. Except for those areas which comprise the Lehigh Acres Fire Control and Rescue District and the Fort Myers Beach Fire Control District, EMS impact fees will be collected by Lee County throughout the unincorporated areas of the County even in those fire districts which have elected not to participate in the fire impact fee program. However, no EMS impact fee will be imposed in regard to the development of land located within a municipality which has not entered into an interlocal agreement with Lee County to collect such impact fees.

III. DETERMINATION OF FIRE/EMS IMPACT FEE

- A. Unincorporated Lee County The amount of the Fire/EMS impact fee will be determined by the Impact Fee Administrator, with assistance from the Public Safety Director when necessary and appropriate. The Impact Fee Administrator will determine the amount of the fee, based on the LDC fee schedule, a fee adjustment, or an independent fee calculation study. Entitlement to exemptions and the calculation of refunds and Fire/EMS impact fee credits will also be the responsibility of the Impact Fee Administrator.
- B. Participating Municipalities Participating municipalities will have the authority to assess and collect Fire/EMS impact fees based on the Impact Fee Schedules in the LDC and the list of Miscellaneous Land Uses described in this Code, and to determine exemptions from the Fire/EMS impact fees as provided in the LDC.

Participating municipalities have the authority to undertake any other action regarding fee determinations that is granted to the municipality pursuant to interlocal agreement and not in conflict with the LDC.

C. Determination of Fees Based on Fee Schedules

At the option of the feepayer, the amount of the Fire/EMS impact fee may be determined by the fee schedule contained in LDC Section 2-386.

The feepayer may, at his option, submit a request for a fee adjustment as provided in LDC Section 2-386(d) by submitting evidence to the Impact Fee Administrator indicating that the Fire/EMS impact fee set out in the fee schedules is not applicable to the particular development.

The Impact Fee Administrator will determine whether a claim may be adequately assessed through an administrative review of the evidence submitted by the feepayer or if the submission of an independent fee calculation study is necessary. The Impact Fee Administrator may administratively approve a fee adjustment based on the information submitted or require an independent fee calculation study at his sole discretion. After appropriate review, the Impact Fee Administrator may adjust the Fire/EMS impact fee to that appropriate for the particular development.

The Impact Fee Administrator will be guided in his decision by a recommendation from the Public Safety Director who will recommend a Fire/EMS impact fee by considering demographic or other information available from the Department's studies and plans, the Lee County Department of Community Development, the Bureau of Economic and Business Research of the University of Florida, or other applicable agencies or sources.

It is the feepayer's responsibility to furnish as required by the Impact Fee Administrator, all materials and information necessary to validate a claim to a fee adjustment up to and including deed covenants. Any claim to a fee adjustment must be submitted prior to the payment of the Fire/EMS impact fee at issue. Otherwise the claimed fee adjustment is waived.

If the feepayer disagrees with the amount of the administratively determined Fire/EMS impact fee, the feepayer may prepare and submit an independent fee calculation study in accordance with this Administrative Code and LDC Section 2-386(d).

D. Independent Fee Calculation Studies

1. General

The feepayer must prepare and submit an independent fee calculation study in accordance with this Administrative Code and LDC Section 2-386(d) if:

- a. The feepayer opts not to follow the fee schedules in the LDC;
- b. The Impact Fee Administrator determines that a feepayer's claim for a fee adjustment cannot be assessed administratively;
- c. The feepayer disagrees with the administrative determination of the Fire/EMS impact fee.

Submission of an independent fee calculation study by the feepayer will not exempt the feepayer from paying the Fire/EMS impact fee prior to the issuance of any building permit, mobile home move-on permit, or recreational vehicle development order as those terms are defined in the LDC.

2. Notice of Intent by Feepayer

Prior to the issuance of any building permit, mobile home move-on permit or recreational vehicle development order, the feepayer must inform the Impact Fee Administrator of his intent to submit an independent fee calculation study before the issuance of the permits described in subsection III.D.1. The Public Safety Director will then schedule a pre-application meeting with the feepayer.

3. Pre-Application Meeting

Before beginning the independent fee calculation study, the feepayer or his representative will attend a pre-application meeting with the Public Safety Director. The purpose of the pre-application meeting is to discuss the procedures for preparation of the independent fee calculation study, the methodology to be employed, and the standards to be met.

The Public Safety Director will prepare a written summary of the results of the pre-application meeting regarding methodology, required forms, documentation or procedures (which may not constitute a waiver of the provisions of the Ordinance). The Public Safety Director will send a copy of this summary to the feepayer and the Impact Fee Administrator. The feepayer must provide written confirmation as to receipt and acceptance of this summary to the Impact Fee Administrator.

If the feepayer wishes to waive the pre-application meeting he must do so in writing. Feepayers who waive the pre-application meeting waive the right to raise methodological or procedural issues regarding the study at a subsequent time.

4. Methodology

- a. The purpose of the independent fee calculation study is to measure the impact of the development on the provision of Fire Protection and Emergency Medical Services in Lee County.
- b. The independent fee calculation study must follow the methodologies and formats agreed upon during the pre-application meeting and be in accord with the documentation or methodology required by this Code and the LDC.
- c. The independent fee calculation study must be prepared and presented by a qualified professional. The methodology must be consistent with best professional practice and support the central claim of the study. The study must provide all necessary supporting documentation and information. Failure to adhere to best professional practice standards is a basis for rejection of the study. The applicant's submission must certify that the study complies with best professional practices.
- d. The applicant must submit the study to the Impact Fee Administrator who will forward the study to the Public Safety Director.

5. Sufficiency Determination

The Public Safety Director will review the independent fee calculation study for sufficiency, methodology, technical accuracy, and findings. Thereafter, the Public Safety Director will make recommendations concerning the appropriate amount of the Fire/EMS impact fees to the Impact Fee Administrator. The Impact Fee Administrator will have 30 days from the date the study is received to provide written notice to the applicant of any deficiencies or defects in the study, to approve the study and authorize an appropriate fee adjustment or to reject the conclusions of the study and deny the fee adjustment. This notice must be sent certified mail, return receipt requested. In the event that this notice is not given within 30 days, the study will be considered sufficient and the fee adjusted as if the study had been approved. If the study is found defective or deficient the 30 day review period will begin again with the submission of a new or modified study. If the applicant does not respond to the Impact Fee Administrator regarding a

finding of deficiency within 30 days of the date notice of a deficiency is sent, the Impact Fee Administrator will consider the independent fee calculation study withdrawn and all claims to a fee adjustment waived. Any building permit, mobile home move-on permit or recreational vehicle development order subsequently applied for must be accompanied by the Fire/EMS impact fees established by the fee schedules.

The 30 day sufficiency review will begin when the Impact Fee Administrator receives and date stamps the independent fee calculation study.

6. Effective Date

Once the Impact Fee Administrator approves the independent fee calculation study and establishes the amount of the impact fee adjustment, the adjusted Fire/EMS impact fee will relate back to the date of the pre-application meeting. Fees paid after the pre-application meeting according to the LDC fee schedule will be adjusted to reflect the fee established by the study. The applicant will receive a refund for the difference between the LDC fee schedule and the approved fee established by the study. Refunds will be in the form of cash or Fire/EMS impact fee credits, depending on the original method of payment. There will be no refund of fees paid prior to the pre-application meeting.

If the applicant waives the pre-application meeting, the adjusted Fire/EMS impact fee will relate back to the date the study is found sufficient for review by the Director.

7. Application for Permit or Development Order

It is the feepayer's responsibility to claim a reduction in Fire/EMS impact fee on the basis of an approved independent fee calculation study, at the time of application for a building permit, mobile home move-on permit or recreational vehicle development order. No claim to a reduced fee will be accepted in advance of the approval of an independent fee study where one is required.

In order to assert a claim for a fee reduction, a feepayer must attend a pre-application meeting with the Impact Fee Administrator to discuss the independent fee calculation study prior to paying the Fire/EMS impact fees or obtaining a building permit, mobile home move-on permit or recreational vehicle development order. The feepayer must present documentation enabling the staff of the Division of Codes and Building Services or the Building Official of a participating municipality to verify this claim.

Where the applicant waived the pre-application meeting, fees paid according to the Fire/EMS Impact Fee schedule after the study is found sufficient for

review will be adjusted to reflect the fee established by the study.

8. Development of Regional Impact (DRI)

Applicants may use data, studies, or information prepared as part of a DRI submission for the purposes of an independent fee calculation study.

IV. METHOD OF PAYMENT

A. Payment Due

1. General. All payments will be made in the following manner:

- a. Unincorporated Lee County. Payment will be made in cash or by personal check, cashier's check, or money order made payable to the Lee County Board of County Commissioners. All payments will be made at the Offices of the Division of Codes and Building Services.

At the sole discretion of the Impact Fee Administrator the County may accept payment in escrow of the full amount of Fire/EMS impact fees attributable to a particular land development activity, or mix of land development activities on a single parcel, by the Fire/EMS impact fee schedule, in order to allow the issuance of building or other development permits while the County makes a determination on a feepayer's claim to a fee adjustment. The escrow payment will be made as set out above and will be earmarked as escrowed funds and will be deposited in the appropriate trust fund. No escrowed funds will be accepted which are not accompanied by a signed letter agreement, acceptable to the County Attorney's Office, stating the purpose of the escrow and releasing the County from any claim to the escrowed funds by the feepayer or his successors if the County ultimately denies the feepayer's request for a fee adjustment. The agreement will also set forth the feepayer's understanding that the escrowed payment will support issuance of building or other development permits only if all other requirements of the Lee County regulations have been met. If the County subsequently approves the requested fee adjustment the difference between the amount paid into escrow and the adjusted fee will be returned to the feepayer. If the fee adjustment is denied, the escrowed funds will be released to the County and the feepayer may pursue an appeal of the determination as set out in the Ordinance.

- b. Participating Municipality. The feepayer will pay the Fire/EMS impact fees in a manner acceptable to the governmental agency responsible for the issuance of the permit unless an interlocal agreement provides for payment to Lee County. If so, payment will be made as in (a) above.
- c. Use of Fire/EMS Impact Fee Credits. In lieu of cash, up to 97% of the Fire/EMS impact fee may be paid by the use of credits.

B. Invalid Payment.

1. Deficient Payment.

In the event the payment of required Fire/EMS impact fees subsequently proves to be invalid due to insufficient funds, improper execution, or for any other reason, then the following action will be taken:

- a. No building permit, mobile home move-on permit, or recreational vehicle development order will be issued until the required Fire/EMS impact fee is paid.
- b. The Impact Fee Administrator or the Building Official in a participating municipality (if the fees were collected by the participating municipality) will, within 30 days of detecting such a deficiency, notify the feepayer, the contractor, and the property owner by certified mail, return receipt requested, that:
  - (1) the Fire/EMS impact fee is due by valid payment immediately upon receipt of said letter.
  - (2) no permit or Certificate of Occupancy will be issued until the fee is paid in full. If not paid within 15 days of the date the letter is sent, the County/City building department will have authority to stop all construction on the site until payment in full is received.
- c. The amount due will be the amount of the Fire/EMS impact fee due plus the amount charged by the bank for the dishonored payment plus, pursuant to Section 68.065, Florida Statutes, a service charge of \$20.00, or five percent (5%) of the face amount of the check, whichever is greater.

2. Payment of Fee Based on Error or Misrepresentation. If the Fire/EMS impact

fee has been calculated and paid based on error or misrepresentation, it will be recalculated and any difference refunded to the original feepayer or paid to the County or municipality, if appropriate, by the original feepayer, whichever is applicable. If Fire/EMS impact fees are owed to the County, no participating municipality or County permits of any type may be issued for the building or structure in question, or for any other part of a development of which the building or structure in question is a part, while the fees remain unpaid, and the Impact Fee Administrator may bring any action permitted by law or equity to collect the unpaid fees.

If a higher Fire/EMS impact fee should be collected, then the following action will be taken:

- a. No building or construction permits or Certificate of Occupancy (C.O.) will be issued until the required Fire/EMS impact fee is paid.
- b. The Impact Fee Administrator or the designated Administrator in a participating municipality, will, within 30 days of detection of such a deficiency, notify the feepayer, the contractor, and the property owner by certified mail, return receipt requested, that:
  - (1) an additional Fire/EMS impact fee amount is due immediately upon receipt of said letter;
  - (2) a permit or C.O. will not be issued until the amount is paid and if not paid within 15 days, the County/City building department will have authority to stop all construction on the site until the payment is received.
- c. Prior to the expiration of one year from the date a final Certificate of Occupancy is issued for which the required Fire/EMS impact fee has not been paid, or has not been paid in full, the County will where authorized by the applicable County ordinances, have authority to file a lien against the real property encumbered by said building permit until the required Fire/EMS impact fee, together with additional charges allowed by such applicable County ordinances, has been paid.

If the amount of Fire/EMS impact fee paid exceeded the amount which should have been paid, then the following action will be taken:

- (1) The Impact Fee Administrator or the Building Official in a participating municipality will within 30 days of detection of such an overpayment, notify the original feepayer by certified mail, return receipt requested, that the feepayer is owed a

refund. The appropriate refund forms will be included with this notice.

- (2) The feepayer will then submit a written request for refund to the Impact Fee Administrator or Building Official. Upon receipt of the written request, the refund will be issued.

## V. CREDITS

### A. Administrative Responsibility

In all cases, the Impact Fee Administrator will make the final determination concerning the issuance of Fire/EMS impact fee credits based upon the recommendations of the Public Safety Director.

### B. General Conditions

Generally, a feepayer may obtain Fire/EMS impact fee credits by offering to dedicate land and/or construct improvements for approved facilities. The value of the credits will be determined by the procedures set out in the Ordinance. Any claim for credit must be made no later than the time of application for a building permit, mobile home move-on permit, or recreational vehicle development order.

The right to determine whether the value of the capital improvement will be approved for credit purposes lies exclusively with Lee County, unless otherwise provided in an appropriate interlocal agreement, or unless the improvement is required under a participating municipal, state, or County development or zoning approval. In the latter case, credits will be given to the extent required by law. In every case, Fire/EMS impact fee credits will be calculated so as to be consistent with Section 380.06 (16) (1987), Florida Statutes.

### C. General Documentation and Procedures

The offer to make capital improvements or dedicate land in exchange for the issuance of Fire/EMS impact fee credits will be made in an application to the Impact Fee Administrator identifying the capital improvements and/or land dedications for which credits are requested. The Impact Fee Administrator will forward this application to the Public Safety Director.

1. Documentation. A feepayer requesting the issuance of Fire/EMS impact fee

credits for eligible capital improvements and/or land dedication will provide the following information to the Impact Fee Administrator during development review or prior to application for the issuance of building permits:

a. Construction of Capital Improvements.

The feepayer will submit a project description in sufficient detail and with complete engineering and construction cost estimates, prepared by qualified professionals, to allow the Public Safety Director to verify these cost estimates.

b. Land Dedication. When a person requests credit for land dedication for approved Fire/EMS facilities, he will present:

- (1) a specimen of the deed which he proposes to use to convey title to the appropriate governmental body;
- (2) a survey of the land to be dedicated certified by a Professional Land Surveyor or Registered Land Surveyor, licensed in the State of Florida;
- (3) An ALTA Form B title insurance policy, in an amount equal to the approved value of the credits to be issued, from a company satisfactory to the County Attorney and verifying that the proffered deed will convey unencumbered fee simple title to the appropriate governmental body;
- (4) a certified copy of the most recent assessment of the property for tax purposes;
- (5) property appraisals prepared by qualified professionals. In preparing their reports, appraisers will value the land in the following manner: (a) if the land in question is subject to a valid agreement, zoning approval, or development order which prescribes a valuation, the agreement, zoning approval or development order will control; (b) if the dedication is made pursuant to a condition of zoning approval, is not a site-related improvement, and the zoning condition does not specifically prescribe otherwise, the land will be valued based upon the zoning of the land as it existed prior to the zoning approval which contains the condition of dedication; © otherwise, appraisers will value the land at its then current zoning and without any enhanced value which could be attributed to improvements on adjacent lands; and
- (6) proof that property taxes due on the property to be dedicated

have been paid.

- (7) An affidavit of interest in real property consistent with Florida Statutes section 286.23. The affidavit must certify to Lee County the name and address of every person having a beneficial interest in the real property, however small or minimal. The disclosure affidavit must specifically identify the property to be conveyed and be sworn before a notary.

2. Sufficiency. The Public Safety Director will review the engineering and cost estimates and make a determination of sufficiency.

The survey and property appraisals will be submitted by the Public Safety Director to the Office of County Lands for review and approval by the County's Review Appraisers. In order to be eligible for credits, improvements or land dedications must meet the following standards in addition to those enumerated in the Ordinance:

- a. the proposed dedication or construction must be related to the mitigation of impacts from the development.
- b. The same guidelines which apply to the use of Fire/EMS impact fee funds limit those improvements which are eligible for credits.

3. Determination of Credit. The Public Safety Director will prepare a recommendation of the amount of the Fire/EMS impact fee credits appropriate for construction and land dedication to the Impact Fee Administrator. This recommendation will be based upon either the cost estimates provided by the applicant or upon alternative engineering criteria, construction cost estimates, or property appraisals through the use of the methodology described in Section 3-392 of the Ordinance, if the Public Safety Director determines that such estimates submitted by the applicant are either unreliable or inaccurate. The Public Safety Director will provide a written recommendation as to which capital improvements or land dedications are eligible for credits and what the amount of the credit will be for each.

The determination of the amount of credit will be made by the Impact Fee Administrator, based on the recommendations of the Public Safety Director who conducted the sufficiency determination, consultation with any participating municipality or fire district concerning the need for the proposed construction or land dedication and on his own review of the documentation presented. Copies of the written determination will be sent to the feepayer and the Public Safety Director.

The written determination will include the following: (I) the name of the

applicant receiving the credit; (ii) the dollar amount of the credit; (iii) the reason for the credit; and (iv) the Fire or EMS Impact Fee Benefit District in which the credit may be used. The applicant must sign and date a duplicate copy of such letter or certificate indicating his agreement to the terms of the letter or certificate and return such signed document to the Impact Fee Administrator before credit will be given. If the applicant fails to sign, date, and return such document within 30 days, the Impact Fee Administrator will consider the credit application to be inactive. No increase in the amount of approved credit will be authorized unless it is determined during actual construction of the agreed-to Fire/EMS facility improvements that change orders are to be made incurring additional expense for items that are necessary and are not shown on the approved plans and estimates previously furnished to the Public Safety Director. It will be the feepayer's responsibility to obtain prior approval from the Public Safety Director before all such change orders are made. All claims for an increase of the approved credit will include all documentation required by the Public Safety Director. The Public Safety Director will immediately forward all approved requests for a change in the amount of credit to the Impact Fee Administrator.

4. Credit for Construction. Except as provided in subsection 4.c below, Fire/EMS impact fee credits may be issued only after:
  - a. the construction is completed and accepted by the County, or a participating municipality, whichever is applicable;
  - b. a suitable maintenance and warranty bond as may be required by the Public Safety Director is submitted to and approved by the County Attorney; or in the case of 4.c below, upon completion of the agreed-to construction improvements and upon acceptance by the appropriate governmental authority pursuant to 4.a above, the Bond may, as required by the Public Safety Director, be reduced to a suitable amount and time period to cover a maintenance period for the improvements.
  - c. Credit may be provided before completion of specified improvements if the feepayer posts security as provided above for the costs of such construction. In the event that: (1) the County receives notification from the principal (grantor) that the bond is being canceled before all agreed-to improvements have been completed and accepted by the appropriate governmental body; or (2) the County determines that terms of the agreement for the construction as set forth in the Bond agreement are not being complied with, then the County will in accordance with the Bond agreement, default the Bond and collect the full amount of the Bond to be used for completion of the agreed-to improvements and other expenses. If the cost incurred by the County

to complete said improvements exceeds the amount received from the defaulted Bond, the County will seek to recover its loss under the provisions of this Code.

5. Credits for Land Dedication. Fire/EMS impact fee credits for land dedication may be created when the following procedures have been completed and the title to said land has been accepted by the appropriate governmental body and recorded in the Official Records of the Clerk of Circuit Court in Lee County:
    - a. The delivery to the appropriate governmental body of a deed, with sufficient funds to pay all costs of transferring title including recording.
    - b. The escrow of taxes for the current year, or the payment of said taxes for the year.
    - c. The issuance of a title insurance policy subsequent to recording of the deed and escrow of taxes.
  6. Transferability. Fire/EMS Impact Fee Credits created after October 1, 1989 are transferable in form and may be sold, assigned or otherwise conveyed. Acceptable proof of transfer must be submitted to the Division of Codes and Building Services when the credits are used.
- D. Performance Bonds, Letters of Credit, etc. In the event the feepayer has received approval from the Impact Fee Administrator for Fire/EMS impact fee credits for construction and the credits are provided before completion of the improvements in accordance with this Code, the following requirements will be met:
1. The feepayer will submit to the Impact Fee Administrator, on appropriate forms, a Surety Performance Bond or an automatically renewable, irrevocable Letter of Credit (Cash Performance Bond) (both hereinafter referred to as a Bond), in an amount equal to 110% of the full cost of the agreed-to improvements (excluding right-of-way dedications), and payable to the Lee County Board of County Commissioners.
  2. The bond will be reviewed and approved by the Lee County Attorney's Office prior to acceptance of the bond by the Impact Fee Administrator.
  3. If the facility is to be owned by a participating municipality, the County may assign its right in such security to the municipality if the municipality requests it and the law permits it.
  4. Letter of Credit, pursuant to subparagraph a. above, will be automatically

renewable unless notice of intent to cancel or not to renew is given to the Impact Fee Administrator not later than 60 days prior to the renewal date. In the event a notice to cancel or of intent not to renew is received, the

Impact Fee Administrator will be entitled to declare a default and collect the full amount of the Bond. In the event the County has assigned its rights in such security to a municipality, then the appropriate Building Official will be responsible for this action.

5. Upon posting with, and acceptance of such Bond by the Impact Fee Administrator, the appropriate County or municipal entity may issue building permits for that part of the proposed development determined by the County to be satisfied by the credit.