



**FEMA**

July 19, 2024

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Dave Harner II  
County Manager, Lee County  
PO Box 398  
Fort Myers, FL 33901

Re: National Flood Insurance Program Participation

Dear Mr. Harner:

I'd like to thank you and your staff for the long hours and hard work that have occurred during the last two months to help correct Lee County's issues regarding the National Flood Insurance Program (NFIP). Our teams have made great progress in helping ensure the county and their residents are more resilient and prepared for future storms.

Our team has completed its review of the county's compliance with the minimum floodplain management standards and everything that has been done to correct any deficiencies and violations. Our weekly meetings you held made tremendous progress and I thank you for your leadership in this area.

We acknowledge the work invested by your community has resulted in some improvements to meet minimum floodplain management standards. However, as Lee County continues to recover from Hurricane Ian, FEMA finds that outstanding compliance issues remain. FEMA will not retrograde Lee County's class rating at this time.

Although FEMA will not retrograde Lee County's class rating at this time, if the violations are not corrected or remedied by Nov. 18, FEMA's regulations (Title 44 Code of Federal Regulations 59.24(b) Suspension of Community Eligibility) require us to place Lee County on probation. This letter starts the official notification process. In addition, the county would no longer be eligible for Community Rating System participation and would be retrograded to Class 10 effective on April 1, 2025.

This letter and its attachments include FEMA's findings and our proposed next steps for Lee County to remedy outstanding deficiencies and violations. These deficiencies and violations are described in the attached documents, specifically refer to the Status Report. To avoid probation in 121 days, Lee County must correct deficiencies and remedy all identified violations to the maximum extent possible by Nov. 18.

You have my commitment of support as you work through these issues with your team.

A careful review of the data you provided since April shows that the implementation of Lee County's floodplain management program has several deficiencies that remain out of compliance. During the 60-day review period, Lee County submitted additional permitting information for 414 structures in the floodplain.

Here is a summary of some of the items that Lee County needs to remedy:

- Lack of permits for development in the Special Flood Hazard Area.
- Lack of maintaining permit records for development, new construction, or substantial improvements.
- Failure to make substantial improvement (SI) and substantial damage (SD) ("SI/SD") determinations.

FEMA staff reviewed each of the submitted permit packages and learned:

- 10% of the permit packages were complete.
- 31% were ongoing in a Code Enforcement Case.
- 59% will be followed up on during a Future Compliance Engagement.

FEMA also found:

- 330 out of the 414 permit packages submitted did not include permits for structures that sustained documented damage.
- 194 of the 414 were missing itemized/detailed cost information for repair performed.
- 172 of the 414 had individual permits issued without total repair costs.

To avoid probation, Lee County must complete the following items by close of business on Nov.18. We encourage regular communication to share updates on your progress.

The county must remedy the following identified deficiencies as of Nov. 18, 2024:

1. Within 60 days of the date of this correspondence, September 16, 2024, develop and submit a plan that includes timelines and actions to address all identified program deficiencies and violations to the maximum extent possible.
2. Assess all floodplain development from Hurricane Ian in the Special Flood Hazard Area, ensuring that permits for all repairs, construction and development were obtained consistent with local floodplain management regulations:
  - a. From FEMA's April 8, 2024 letter:
    - i. Provide a status update for structures deemed Substantially Damaged on the list provided by Lee County in accordance with the April 11, 2024, letter sent to the FEMA Region 4 Administrator.
    - ii. Provide evidence to support compliance action taken for the structures identified as having damage and FEMA identified as Future Compliance Engagement, Community Assistance Visit follow-up, and additional information needed.

- b. In addition to the above, provide an assessment of all floodplain development impacts from Hurricane Ian to structures in the Special Flood Hazard Area and provide a plan for remedying any identified violations.
3. Provide documentation that demonstrates your community is leveraging its code enforcement process to address new and existing code cases for all structures not confirmed as compliant. When a violation is confirmed, remedy to maximum extent possible. This includes:
  - a. In Item 2 above, structures identified during the evaluation as a Code Enforcement Case
  - b. Structures identified when assessing the Special Flood Hazard Area for all Hurricane Ian impacts to structures.
4. Put a process in place to ensure substantial damage compliance for future events.

You have my commitment to continue to support you and your team as you take the necessary compliance measures to avoid probation and possible suspension from the National Flood Insurance Program.

If you have any questions or at any time need technical assistance to address these issues, please contact FEMA Region 4 Office, Jacky Bell, Mitigation Division Director, at [jacky.bell@fema.dhs.gov](mailto:jacky.bell@fema.dhs.gov) or 404-273-4710.

Sincerely,



Robert D. Samaan  
Regional Administrator

Attachments:

- Community Status Report
- Criteria for Avoiding Probation

cc: Billie Jacoby, Floodplain Administrator  
Jason Hunter, Region Floodplain Management & Insurance Branch Chief  
Jillian Kraynak, Florida NFIP State Coordinator  
Office of Sen. Marco Rubio  
Office of Sen. Rick Scott  
Office of Rep. Byron Donalds  
Office of Rep. Greg Steube