

ADMINISTRATIVE CODE BOARD OF COUNTY COMMISSIONERS	
CATEGORY: FACILITIES CONSTRUCTION & MANAGEMENT	CODE NUMBER: AC 5-10
TITLE: ADMINISTRATIVE PROCEDURES FOR APPROVAL TO PROCEED AND ACCEPTANCE OF DEVELOPER CONTRIBUTED ASSETS	ADOPTED: 1/16/2024
	AMENDED:
	ORIGINATING DEPARTMENT: Facilities Construction & Management

A. Purpose

The purpose of this Administrative Code is to provide the procedures for administrative approval to enter into a Development Agreement and accept Developer Contributed Assets, pursuant to Ch. 2, Art. III of the Lee County Land Development Code and in accordance with the Florida Local Government Development Agreement Act, F.S. 163.3220, et seq., for the ultimate purpose of Lee County Facilities Construction and Management (FC&M) ownership and maintenance. The decision to enter into a Development Agreement and/or to accept a Developer Contributed Asset in accordance with this Code remains discretionary with the County. This Administrative Code is not intended to create a county obligation to accept a Developer Contributed Asset by virtue of a Developer's compliance with these regulations.

B. Definitions

All terms defined under the Florida Local Government Development Agreement Act, F.S. 163.3220, et seq., as amended, are incorporated herein.

Developer Contributed Assets – means the professional services related to design and/or construction, and the associated facility that the development is proposed to impact, as well as the close-out documents and finalized plans necessary for the County to proceed with ownership and maintenance of the facility project.

C. Application Submittal Package

1. The Developer must submit a completed Application submittal package to FC&M to review for compliance with all applicable local, state, and federal codes which includes but is not limited to, FBC, NEC, NFPA, LDC, and the Lee County Facilities preferred equipment list.
2. The submittal package must include:
 - a) the scope and location of the project,
 - b) a proposed schedule for design and/or construction, as needed,
 - c) an Estimation of Probable Costs,

- d) demonstration of current or upcoming funding available,
 - e) a proposed communication plan between the County and vested project management team,
 - f) any current or proposed conceptual design and/or construction plans, and
 - g) any other relevant presentation material to the project.
3. Incomplete submittal packages will be returned to the Developer with comments to be resolved, and it is the responsibility of the Developer to review submission and comments in whole prior to resubmittal.

D. Approval to Proceed

- 1. The submittal package will be reviewed by the FC&M Director, the County Manager (or designee), as well as representatives from any other County Departments having an interest in the proposal.
- 2. The FC&M Director is authorized to issue an “Approval to Proceed” for the proposed project after demonstration that the proposal will comply with all applicable local, state, and federal codes which includes, but is not limited to, FBC, NEC, NFPA, LDC and the Lee County Facilities preferred equipment list.

E. Development Agreement

- 1. Upon issuance of an Approval to Proceed, Developer shall submit a draft Development Agreement for review and approval by the County Attorney’s Office.
- 2. The Development Agreement shall comply in all respects with the requirements of F.S. 163.3220, et seq. and LDC Ch. 2, Art. III, as applicable.
- 3. Upon approval by the County Attorney’s Office, the proposed Development Agreement shall be noticed and scheduled for two public hearings in accordance with F.S. 163.3225 and LDC 2-98.
- 4. An approved Development Agreement shall be recorded with the Clerk of Court within 14 days of execution and may only be amended or cancelled in accordance with LDC 2-99.

F. Acceptance of Developer Contributed Asset

- 1. All Developer Contributed Assets must be constructed in accordance with local, state, and federal laws, including all conditions of approval of development permits and development orders issued for construction of the asset. If the County determines that the applicable regulations have not been satisfied or the asset has not been constructed in accordance with County regulations, acceptance of the Developer Contributed Asset may be denied or revoked.
- 2. Upon completion of construction of the approved Developer Contributed Asset, the Developer must submit a Final Acceptance package to FC&M for review that includes applicable fees, the documents identified within the Final Acceptance submittal checklist provided to the Engineer of Record, and a satisfactory final inspection report for review.

3. Once the FC&M Director has completed a final review of the Final Acceptance package and found it to be sufficient, then FC&M will forward the appropriate documentation to the County Attorney's office and the County Manager (or Designee) for final review and a determination of compliance with this Code.
4. The County Manager (or designee) is hereby authorized to accept a Constructed Developer Contributed Asset for County ownership and maintenance, along with all required easements or deeds needed to effectuate the transfer and maintenance of the Developer Contributed Asset if the Developer can demonstrate compliance with this Administrative Code. The County Manager (or designee) is hereby authorized to execute the necessary documentation and forms to accomplish the transfer of ownership and maintenance of the Developer Contributed Asset.