



# FLORIDA DEPARTMENT OF Environmental Protection

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Florida Department of Commerce  
Bureau of Comprehensive Planning  
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107 East Madison – MSC 160  
Tallahassee, Florida 32399-4120

## **Polk County 24-02ACSC Proposed Comprehensive Plan Amendment State Coordinated Review**

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment in accordance with the provisions of Chapter 163, Florida Statutes (F.S.). The Department's review of the proposed policies focused on important state resources and facilities that would be adversely impacted if the amendment is adopted, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails and conservation easements; solid waste; and water and wastewater treatment; and the Everglades ecosystem restoration.

### **PROPOSED AMENDMENTS**

The proposed amendment updates the County's Infrastructure Element, Future Land Use Element, and Capital Improvement Element to address new onsite sewage treatment and disposal system (OSTDS) limitations within areas covered by Basin Management Action Plans (BMAP), Reasonable Assurance Plans (RAP), and Pollution Reduction Plans (PRP), and establishes a Nutrient Restoration Plan Overlay for these areas. The County's Draft OSTDS Remediation Plan is included within the transmittal package. The County's Staff Report states that the amendments are in response to House Bill (HB) 1379.

### **DEPARTMENT COMMENTS**

During the 2023 legislative session, the Florida Legislature passed HB 1379, Laws of Florida Chapter No. 2023-169, which revised s. 163.3177, F.S., requiring local government comprehensive plans to address the following:

- Within the schedule of capital improvements, any county or municipality with a BMAP within its jurisdiction must include a list of projects necessary to achieve the pollutant load reductions attributable to the local government as established in the BMAP (s. 163.3177(3)(a)4.b, F.S.)

- Within the general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element, local governments must address the upgrading of wastewater treatment facilities and prioritize advanced waste treatment (AWT), and, for local governments not included within a designated Rural Area of Opportunity, a section considering the feasibility of providing sanitary sewer services within a 10-year planning horizon to any development of more than 50 built or unbuilt residential lots with a density of more than one OSTDS (aka septic system) per acre must be included by July 1, 2024 (s. 163.3177(6)(c)3, F.S.)

Section 163.3177(6)(c)3, F.S., requires local governments to consider the feasibility of providing sanitary sewer services to any developments of more than 50 built or unbuilt lots with a density of more than one OSTDS per acre and identify the wastewater facilities (name and location) that could receive sanitary sewer flows after connection. This section must address the current capacity of the identified wastewater facilities and any transmission facilities as well as the projected wastewater flows for the next 20 years, including expected future new construction and connections of OSTDSs to sanitary sewer. Additionally, the element must include a timeline for the construction of any sanitary sewer determined to be feasible.

To be consistent with s. 163.3177(6)(c)3, F.S., the County must address the above requirements within the Infrastructure Element by July 1, 2024. If the County is unable to include this information before the deadline, please provide appropriate policy direction and outline the process the County plans to use to address these requirements in future updates to the element.

### **CONCLUSION**

The Department is providing technical assistance comments consistent with s. 163.3168(3), F.S. The comments will not form the basis of a challenge. If you should require assistance or additional information, please contact me at (850) 717-9037 or [Lindsay.Weaver@FloridaDEP.gov](mailto:Lindsay.Weaver@FloridaDEP.gov).

Sincerely,



Lindsay Weaver, Environmental Specialist II  
Office of Intergovernmental Programs

cc: Donna Harris, Florida Department of Commerce