

September 23, 2025

The Honorable Rick Wilson
Chairman, Polk County
Board of County Commissioners
330 W. Church Street
Bartow, Florida 33831

Dear Chairman Wilson,

FloridaCommerce has completed its review of the proposed comprehensive plan amendment for Polk County (Amendment No. 25-04ER), which was received on July 25, 2025. FloridaCommerce has reviewed the proposed amendment in accordance with the state coordinated review process set forth in sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S.

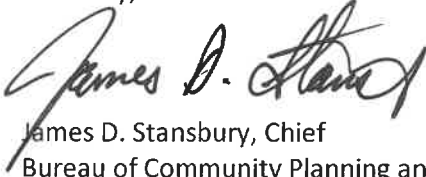
The attached Objections, Recommendations, and Comments Report outlines FloridaCommerce's findings concerning the amendment. FloridaCommerce has identified an objection and has included recommendations regarding measures that can be taken to address the objection. FloridaCommerce is also providing two comments. The comments are offered to assist the local government but will not form the basis for a determination of whether the amendment, if adopted, is "In Compliance" as defined in section 163.3184(1)(b), F.S. Copies of comments received by FloridaCommerce from reviewing agencies, if any, are also enclosed.

The County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, the procedures for final adoption and transmittal of the comprehensive plan amendment are enclosed.

The second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of FloridaCommerce's attached report, or the amendment will be **deemed withdrawn** unless extended by agreement with notice to FloridaCommerce and any affected party that provided comment on the amendment pursuant to section 163.3184(4)(e)1., F.S. **The adopted amendment must be transmitted to FloridaCommerce within ten working days after the final adoption hearing or the amendment shall be deemed withdrawn pursuant to section 163.3184(4)(e)2., F.S.**

FloridaCommerce staff is available to assist the County to address the objection and comments. If you have any questions related to this review, please contact Yazmin Valdez, Deputy Bureau Chief, by telephone at (850)-717-8524 or by email via Yazmin.Valdez@Commerce.fl.gov.

Sincerely,



James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/yv

Enclosures: Objections, Recommendations, and Comments Report
Procedures for Adoption
Reviewing Agency Comments

cc: Ben Ziskal, AICP, CECD, Director of Planning, Polk County
Jennifer Codo-Salisbury, MPA, AICP, Executive Director Central Florida Regional Planning Council

**Objections, Recommendations and Comments Report
Proposed Comprehensive Plan Amendment
Polk County 25-04ER**

The Florida Department of Commerce has identified an objection and two comments regarding Polk County's proposed comprehensive plan amendment. The objection and comments are provided below, along with recommended actions the County could take to resolve issues of concern. If the County adopts the plan amendment without adequately addressing the objection, FloridaCommerce may find the amendment not in compliance with Chapter 163, Part II, Florida Statutes (F.S.), pursuant to section 163.3184(4)(e)4., F.S. Comments are offered to assist the local government and will not form the basis for a compliance determination.

FloridaCommerce staff has discussed the basis of the report with local government staff and is available to assist the County to address the objection and comments.

Objection: Capital Improvements Element

The proposed changes to Objective 4.205 and Policies 4.205-A1 through 4.205-A18 do not comply with the Capital Improvements Element requirements set forth by section 163.3177(3), F.S.

Objective 4.205 under Section 4.204, "Determining Needed Capital Improvement," aims to plan for and provide necessary capital facilities within the County's fiscal capacity through the annual adoption of a Community Investment Program (CIP). The proposed amendment revises Objective 4.205-A to indicate that, although no longer required by Florida Statutes, Polk County may plan for and provide needed capital facilities through the annual adoption of a Community Investment Program. Additionally, the proposed amendment revises Policies 4.205-A1 through 4.205-A18 by replacing "shall" with "may" to reflect a shift from mandatory to discretionary language. However, section 163.3177(3)(a)1., provides that the Capital Improvements Element must contain a component outlining principles for construction, extension, or increase in capacity of public facilities, as well as correcting existing public facility deficiencies. Additionally, the Capital Improvements Element must be reviewed annually pursuant to Section 163.3177(3)(b), F.S.

Statutory Authority: 163.3177(3)(a), 163.3177(3)(b), 163.3184(4), and 163.3191, Florida Statutes.

Recommendation: The County must revise the amendment to reflect that the Capital Improvements Element must be reviewed on an annual basis. The Capital Improvements Element should be modified to comply with all requirements outlined in Section 163.3177(3), Florida Statutes.

Comment 1: Consistency Throughout the Plan

The proposed amendment to Policy 2.125-A2 restricts specialized uses in areas designated as "Preservation" or "Conservation" and Policy 2.125-D1 introduces exceptions for electrical substations in those same land use categories. However, Polk County's Comprehensive Plan does not currently contain a "Conservation" land use category within the Future Land Use Element. To avoid internal inconsistencies and ambiguities within the Plan, the County should use consistent terminology throughout the Plan and remove references to a Conservation land use category until it is formally adopted and defined.

Additionally, the proposed Sections 2.125-P and 2.125-Q intending to address Floating Solar Facilities and Reliable Fuel Sources for Public Utilities, conflict with existing section identifiers already assigned to Solid Waste Management Facilities and Fuel Terminals within the Plan. To avoid confusion and ambiguity in the Plan, the numbering system for new sections should be revised to ensure unique and distinguishable policy identifiers.

Comment 2: Intergovernmental Coordination

FloridaCommerce recommends that Polk County coordinate with the South Florida Water Management District to address their August 24, 2025, correspondence.

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using FloridaCommerce's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://fldco.my.salesforce-sites.com/cp/https://floridajobs.secure.force.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council, Water Management District, Department of Transportation, Department of Environmental Protection, Department of State, the appropriate county (municipal amendments only), the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only), and the Department of Education (amendments relating to public schools), and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package.

_____ Summary description of the adoption package, including any amendments proposed but not adopted.

_____ Ordinance number and adoption date.

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government.

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact.

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required.

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s).

Suggested effective date language for the adoption ordinance for state coordinated review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective. "

_____ List of additional changes made in the adopted amendment that the FloridaCommerce did not previously review.

_____ List of findings of the local governing body, if any, that were not included in the ordinance, and which provided the basis of the adoption or determination not to adopt the proposed amendment.

_____ Statement indicating the relationship of the additional changes not previously reviewed by the FloridaCommerce to the ORC report from the FloridaCommerce.



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Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
WaterMatters.org

Bartow Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Office
78 Sarasota Center Boulevard
Sarasota, Florida 34240-9770
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Office
7601 U.S. 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

John R. Mitten
Chair, Hernando, Marion

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Vice Chair, Manatee

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Pinellas

Dustin Rowland
Pasco

Robert Stern
Hillsborough

Nancy Watkins
Hillsborough, Pinellas

Brian J. Armstrong, P.G.
Executive Director

August 13, 2025

Ms. Yazmin Valdez, Deputy Bureau Chief
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, FL 32399-4120

Subject: **Polk 25-4ACSC**

Dear Ms. Valdez:

The Southwest Florida Water Management District (District) has reviewed the proposed amendment. We are not forwarding any comments for consideration.

We appreciate this opportunity to participate in the review process. If you have any questions or require further assistance, please do not hesitate to contact me at (352) 269-6937 or james.golden@watermatters.org.

Sincerely,

James J. Golden, AICP
Senior Planner

JG

cc: Chanda Bennett, Polk County

Harris, Donna

From: Baysinger, Samantha <Samantha.Baysinger@MyFWC.com>
Sent: Friday, August 22, 2025 11:17 AM
To: chandabennett@polk-county.net
Cc: Conservation Planning Services; DCPexternalagencycomments; Gruver, Pamela
Subject: [EXTERNAL] - FWC's Comments on Polk County 25-04ER (LDCPAL-2025-4 EAR-Based Amendment)

CAUTION - "This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe."

Dear Ms. Bennett,

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the proposed comprehensive plan amendment in accordance with Chapter 163.3184(3), Florida Statutes. We have no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer on this amendment.

FWC staff appreciates the opportunity to review this project. Please send any requests for further information to ConservationPlanningServices@MyFWC.com.

Sincerely,

Samantha Baysinger
Land Use Planning Program Supervisor
Office of Conservation Planning Services
Florida Fish and Wildlife Conservation Commission
(850) 354-3578

Polk County 25-04ER_ 63560

Harris, Donna

From: Plan_Review <Plan.Review@dep.state.fl.us>
Sent: Friday, August 22, 2025 5:24 PM
To: DCPexternalagencycomments
Cc: Plan_Review
Subject: [EXTERNAL] - Polk County 25-04ER Proposed

CAUTION - "This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe."

To: Donna Harris, Senior Plan Processor, Florida Commerce Bureau of Community Planning and Growth

Re: Polk County 25-04ER – State Coordinated Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, 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, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



Harris, Donna

From: Germain, Peter <pgermain@sfwmd.gov>
Sent: Friday, August 22, 2025 3:20 PM
To: chandabennett@polk-county.net; robertbolton@polk-county.net
Cc: Harris, Donna; jcodosalisbury@cfrpc.org; james.golden@swfwmd.state.fl.us
Subject: [EXTERNAL] - Polk County 2025-04 EAR Based Comprehensive Plan Text Amendment (LDCPAL-2025-4) - Historic and Septic to Sewer Comments Letter

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Dear Ms. Bennett:

The South Florida Water Management District (District) has completed its review of the Future Land Use Map amendment package LDCPAL-2025-4, submitted by Polk County (County). The package included changes to several policies per Florida Statue 163.3191, Evaluation and Appraisal Report (EAR), updates to the Historic Preservation policy, Historical Resources Map and updates to the Infrastructure Element for septic to sewer feasibility. The District provides the following comment under Section 163.3184(3)(g), Florida Statutes (F.S.).

The following comment should be addressed before final adoption of this amendment:

1. Please clarify whether the two water service area maps (maps 14 and 15) are future or current.

The District requests that the City forward a copy of the adopted amendments to the District at the following email account: SFLocalGovPlan@SFWMD.gov. District staff are available to meet by teleconference or in person to go over the comment above and to discuss possible solutions and options to resolve the comment.

Please contact me if you have any questions or need additional information.

Best,



Peter Germain

Policy and Planning Analyst – Specialist
Water Supply Implementation Unit
South Florida Water Management District
3301 Gun Club Road, West Palm Beach, FL
33406

Office: 561-682-6779 | pgermain@sfwmd.gov

