



FloridaCommerce ORC Report

Response Memorandum

November 4, 2025

James D. Stansbury, Chief
Bureau of Community Planning and Growth
FloridaCommerce
Caldwell Building
107 East Madison Street
Tallahassee, FL 32399

On September 23, 2025, Polk County received the Objections, Recommendations, and Comments (ORC) Report from FloridaCommerce for Polk County Amendment No. 25-04ER. The following sections detail Polk County's responses to address the one objection and two comments included in FloridaCommerce' ORC Report for Amendment No. 24-04ER.

Additionally, please note that due to an error, a number of policies that were previously adopted by the Polk Board of County Commissioners and accepted by FloridaCommerce were not properly displayed in the transmitted version of the Comprehensive Plan. Staff held a call with James Stansbury and Adam Sieracki with FloridaCommerce on October 30, 2025 to explain the oversight. Per the discussion, Appendix D has been added to the EAR Data and Analysis Memorandum and it includes a strikethrough / underline version of the policies that were modified to correct the error. This is just a correction to reflect the policies that were previously adopted by the Board of County Commissioners and accepted by FloridaCommerce during previous amendment cycles. These policies are shown without strikethrough / underline in the current adopted version, as they were previously adopted and accepted, and changes are not being pursued under the current amendment. All of the FloridaCommerce files showing that these changes were previously adopted and accepted by FloridaCommerce have been included in the adoption package for your reference.

FloridaCommerce's 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.

FloridaCommerce's 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.

Polk County's Response:

Added "and review" to Objective 4.205-A (See revised language below).

OBJECTIVE 4.205-A: Polk County shall plan for and provide needed capital facilities that are within the fiscal capability of the County through the annual adoption and review of a Community Investment Program (CIP). For those needed capital facilities that are under the fiscal responsibility of another public agency, Polk County shall adopt by reference the applicable agency's 5-year capital improvement program or work plan.

Deleted the added text "Although no longer required by Florida Statutes," from Objective 4.205-A and Policy 4.205-A12(See revised language below).

OBJECTIVE 4.205-A: Polk County shall plan for and provide needed capital facilities that are within the fiscal capability of the County through the annual adoption and review of a Community Investment Program (CIP). For those needed capital facilities that are under the fiscal responsibility of another public agency, Polk County shall adopt by reference the applicable agency's 5-year capital improvement program or work plan.

POLICY 4.205-A12: If the option sales tax, or the utility tax is not approved by the legislature or by voter referendum, Polk County shall:

- a. amend the Plan and CIP to identify alternative funding sources, or
- b. amend the plan to revise the level-of-service standard to the existing LOS standard.

Reverted text changed from "shall" to "may" back to "shall" for the following policies (See revised language below):

- Policy 4.205-A1
- Policy 4.205-A2

- Policy 4.205-A3
- Policy 4.205-A4
- Policy 4.205-A7
- Policy 4.205-A8
- Policy 4.205-A9
- Policy 4.205-A10
- Policy 4.205-A11
- Policy 4.205-A12
- Policy 4.205-A13
- Policy 4.205-A14
- Policy 4.205-A15
- Policy 4.205-A17
- Policy 4.205-A18

POLICY 4.205-A1: Polk County shall demonstrate that the CIP is financially feasible by adopting into the CIE a 5-year schedule of capital improvements which includes publicly funded projects, and which may include privately funded projects for which the local government has no fiscal responsibility, necessary to ensure that adopted level-of-service standards are achieved and maintained. Financial feasibility of the 5-year schedule of capital improvements shall mean that sufficient revenues are currently available, or will be available from committed funding sources, for the first three (3) years, or will be available from committed or planned funding sources for years four (4) and five (5), which are adequate to fund the projected costs of the capital improvements listed in the CIP. Committed and/or planned revenue sources for financing programmed capital improvements may include, but are not limited to, ad valorem taxes, bonds, state and federal funds, other tax revenues, impact fees, and developer contributions. Projects necessary to ensure that any adopted LOS standards are achieved and maintained for the 5-year period must be identified as either funded or unfunded and given a level or priority for funding.

- a. If the CIP relies on planned revenue sources in the 5-year schedule that require referenda or other actions to secure the planned revenue source, the CIE must, in the event the referenda are not passed or actions do not secure the planned revenue source, identify other existing revenue sources that will be used to fund the capital projects or otherwise amend the CIE to ensure financial feasibility;
- b. Polk County will adopt and maintain a financially feasible 5-year schedule of capital improvements. Updates to the 5-year schedule of capital improvements which reflect proportionate fair-share contributions ~~shall be deemed financially feasible~~, if the CIE identifies additional contributions, payments or funding sources reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.

POLICY 4.205-A2: ~~The existing population and owners of real property in Polk County shall pay for some or all of the capital improvements which reduce or eliminate existing deficiencies. These capital improvements may be financed with user fees, special assessments, debt, and taxes. The existing population and owners of real property in Polk County may pay for capital improvements required by future development.~~¶

POLICY 4.205-A3: Polk County shall require developers and owners of future development to pay their proportionate share of capital improvements required to service future development and. ~~For capital improvements that will be funded by the developer, financial feasibility shall~~ be demonstrated by being guaranteed in an enforceable development agreement or interlocal agreement, or other enforceable agreement. These development agreements and/or interlocal agreements shall be reflected in the 5-year schedule of capital improvements if the capital improvement is necessary to serve development within the period covered by the 5-year schedule. Payments, which must be approved by the County in form and amount, may take the form of the following:

- a. voluntary contributions for the benefit of any public facility;
- b. impact fees; |
- c. capacity reservation fees;
- d. dedication of land;
- e. provision of public facilities; and
- f. future payments of user fees, special assessments and/or taxes.

~~POLICY 4.205-A4: The existing and future population and owners of real property shall pay for the replacement of obsolete and worn-out facilities.~~¶

POLICY 4.205-A7: Polk County shall finance capital improvements to potable water, sanitary sewer, and solid waste facilities (utilities) with current assets, revenue bonds to be repaid by user fees or charges for services, or a combination of current assets and debt.

POLICY 4.205-A8: Polk County shall finance other capital improvements (non-utility) with current assets, and/or debt.

POLICY 4.205-A9: Polk County shall consider which asset, or group of assets, will be cost effective, appropriate to the useful life of the improvement, and an efficient use of the County's debt capacity when financing capital improvement projects with debt.

POLICY 4.205-A10: The County shall not accept:

- a. responsibility for operating and maintenance costs for which it does not have funding capability; and
- b. responsibility for any private or public facility whose acquisition would prevent the County from completing a project or restrict the County's capability to maintain or increase LOS standards, except where a public hazard exists.

POLICY 4.205-A11: Polk County shall continue to review the costs and benefits of developing an alternative funding mechanism for stormwater management projects.

POLICY 4.205-A12: If the option sales tax, or the utility tax is not approved by the legislature or by voter referendum, Polk County shall:

- a. amend the Plan and CIP to identify alternative funding sources, or
- b. amend the plan to revise the level-of-service standard to the existing LOS standard.

POLICY 4.205-A13: Polk County shall manage its debt by establishing the following standards:

- a. the maximum percentage of net overlapping bonded debt to assessed value of 4%;
- b. the maximum of net bonded debt per capita of \$500, and
- c. the maximum percentage of annual debt service to general expenditures of 10%.

POLICY 4.205-A14: Polk County shall increase user fees and issue the bonds required to implement the Community Investment Program. The timing of the increases in fees and the issuance of bonds will be based on market timing, need for the funds, and project timing.

POLICY 4.205-A15: Polk County shall provide needed capital improvements for water and sewer facilities as referenced within the Community Investment Plan of the Update to the Utility Master Plan as adopted by the Board of County Commissioners on 16 August 1996 or as modified by the Board of County Commissioners through the annual budget and Community Investment Program adoption process. Any modification to the "Water and Wastewater Master Plan Update," currently existing as individual Regional Service Area Water and Wastewater master Plan Updates, or to the geographic service areas to be serviced by water and/or sewer that will eliminate, defer, or modify funding or placement of improvements shall be implemented through an amendment to the Comprehensive Plan.

POLICY 4.205-A17: COMMUNITY INVESTMENT STRATEGY: As part of future updates to the Capital Improvement Element, Polk County shall identify and implement measures intended to encourage public and private investments in the Transit Supportive Development Area and the Transit Corridors and Centers Overlay. These measures should support redevelopment and revitalization of existing communities and may be included, but are not limited to, the siting of community facilities, reduced impact fees and an expedited review process for development.

POLICY 4.205-A18: ALTERNATIVE FUNDING TOOLS - Polk County shall consider the use of alternative methods for funding sources to encourage development and redevelopment within the Transit Supportive Development Area and Transit Corridors and Centers Overlay. Such sources may include, but are not limited to: improvement taxing districts, such as, Municipal Service Benefit Units (MSBU), Municipal Service Tax Unit (MSTU), Community Development Districts (CDD); state funding sources such as, Community Development Block Grants (CDBG); and public-private partnerships to establish redevelopment funds.

Restored "financially feasible" in Policy 4.206-A1

POLICY 4.206-A1: Polk County shall review the Capital Improvements Element, which includes a 5-year schedule of capital improvements, and the Community Investment Program annually, and they may be modified as follows: ¶

- a. → The Capital Improvements Element shall be reviewed on an annual basis and modified as necessary in order to maintain a financially feasible 5-year schedule of capital improvements. ¶
- b. → Polk County adopts, by reference, the Capital Improvement Program's Five-Year Work Plan, also known as the Community Investment Program (CIP) annually, to consider the need for the location of public facilities. Pursuant to Florida Statutes, the CIE together with the CIP reflect the time, location and funding of capital projects to achieve and maintain adopted level of service standards for public facilities that are necessary to implement the comprehensive plan. The five-year capital improvements schedule shall be updated by separate ordinance and may not be deemed an amendment to the comprehensive plan. ¶

FloridaCommerce's 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.

Polk County's Response:

"and Conservation" was deleted from Policy 2.125-A1 and Policy 2.125-D1

The order of sections and subsequent objectives and policies were revised to ensure unique and distinguishable identifiers:

- SECTION 2.125-P FLOATING SOLAR FACILITY
- SECTION 2.125-Q SOLID WASTE MANAGEMENT FACILITIES.
- SECTION 2.125-R RELIABLE FUEL SOURCES FOR PUBLIC UTILITIES
- SECTION 2.125-S FUEL TERMINALS

Comment 2: Intergovernmental Coordination

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

Polk County's Response:

On October 12, 2025, Polk County responded directly to Mr. Germain at the South Florida Water Management District to inform him that Maps 14 and 15 are maps provided in the document titled LDCPAL-2025-4 EAR – Polk County EAR Memo. These two maps were provided as part of the data and analysis. These two maps display the current Wastewater and Water Service Areas. Mr. Germain's response to confirm that his comments have been resolved and attached to this response.

From: [Germain, Peter](#)
To: [Bennett, Chanda](#)
Subject: [EXTERNAL]: RE: Polk County 2025-04 EAR Based Comprehensive Plan Text Amendment (LDCPAL-2025-4) - Historic and Septic to Sewer Comments Letter
Date: Wednesday, October 22, 2025 10:09:08 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image010.png](#)

Hi Chanda,

Your answer is acceptable and satisfies our question.

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



From: Bennett, Chanda <ChandaBennett@polk-county.net>
Sent: Friday, October 17, 2025 3:44 PM
To: Germain, Peter <pgermain@sfwmd.gov>
Cc: Harris, Donna <donna.harris@commerce.fl.gov>; Jennifer Codo-Salisbury <jcodosalisbury@cfrpc.org>; james.golden@swfwmd.state.fl.us; Eric Raasch <eraasch@inspireplacemaking.com>
Subject: RE: Polk County 2025-04 EAR Based Comprehensive Plan Text Amendment (LDCPAL-2025-4) - Historic and Septic to Sewer Comments Letter

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Good afternoon:

I hope your week is going well. I wanted to touch base with you to see if you have had a chance to review my email response to your question.

Thanks

Chanda

Chanda Bennett, AICP, CPM, Comprehensive Planning Administrator

Office of Planning and Development | Land Development Division

Post Office Box 9005 | Drawer GM03 | 330 West Church St | Bartow, Florida 33813-9005

P-863.534.6484 | F-863.534.6021 | chandabennett@polk-county.net



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From: Bennett, Chanda

Sent: Sunday, October 12, 2025 5:15 PM

To: Germain, Peter <pgermain@sfwmd.gov>; Bolton, Robert <robertbolton@polk-county.net>

Cc: Harris, Donna <donna.harris@commerce.fl.gov>; jcodosalisbury@cfrpc.org;
james.golden@swfwmd.state.fl.us; Eric Raasch <eraasch@inspireplacemaking.com>

Subject: RE: Polk County 2025-04 EAR Based Comprehensive Plan Text Amendment (LDCPAL-2025-4) - Historic and Septic to Sewer Comments Letter

Mr. Germain:

Thank you for email and your review of our EAR based amendments. I am emailing you to respond to your request below.

South Florida Water Management District (District) Comment/Question:

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

Maps 14 and 15 are maps provided in the document titled LDCPAL-2025-4 EAR – Polk County EAR Memo. These two maps are provided as part of the data and analysis. These two maps display the current Wastewater and Water Service Areas.

Please let me know if satisfies your question.

Thanks
Chanda

Chanda Bennett, AICP, CPM, Comprehensive Planning Administrator

Office of Planning and Development | Land Development Division

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From: Germain, Peter <pgermain@sfwmd.gov>

Sent: Friday, August 22, 2025 3:20 PM

To: Bennett, Chanda <ChandaBennett@polk-county.net>; Bolton, Robert <robertbolton@polk-county.net>

Cc: Harris, Donna <donna.harris@commerce.fl.gov>; 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

Some people who received this message don't often get email from pgermain@sfwmd.gov. [Learn why this is important](#)

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

