

# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

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| <b>DRC Date:</b> January 29, 2026 | <b>Level of Review:</b> 4                      |
| <b>PC Date:</b> March 4, 2026     | <b>Type:</b> LDC Text Amendment                |
| <b>BoCC Date:</b> April 7, 2026   | <b>Case Numbers:</b> LDCT-2025-30              |
| April 21, 2026                    | <b>Case Name:</b> Administrative Plat Approval |
| <b>Applicant:</b> Polk County     | <b>Case Planner:</b> Erik Peterson, AICP       |

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| <b>Request:</b>                  | An LDC text amendment to Chapter 8, Section 806 Plats; Section 810, Replats and Modifications; Section 903, Review Procedures; and Section 908 Level 5 Review, to change the procedure of approving subdivision plats from the Board of County Commissioners to the Land Development Director in accordance with new requirements of Chapter 177-071 of the Florida Statutes and amending Section 909.B, Applicability; and Section 909.C, Amount of Security, to adjust the minimum construction cost threshold and location of financial institution for Performance and Maintenance Securities; providing for severability; providing an effective date. |
| <b>Location:</b>                 | n/a   |
| <b>Property Owner:</b>           | n/a   |
| <b>Parcel Size (Number):</b>     | n/a   |
| <b>Development Area:</b>         | n/a   |
| <b>Nearest Municipality:</b>     | n/a   |
| <b>DRC Recommendation:</b>       | Approval  |
| <b>Planning Commission Vote:</b> | Pending Hearing   |

### The changes to Chapter 8, Section 806, Plats are:

- Changing the duties of the Board of County Commissioners (BoCC) to the Land Development Director
- Removing the BoCC conditional plat approval process.
- Separating the difference between dedications on plats and acceptance of dedications and infrastructure by the BoCC.

### The changes to Chapter 8, Section 810, Re-plats and Modifications are:

- Changing certain duties of the Board of County Commissioners (BoCC) to the Land Development Director
- Adding 910.D, Vacating or Re-Platting Dedicated Easements, Right-of-Way, Parcels or Tracts, to direct the process for vacating dedications prior to approval of a re-platting property.

### The changes to Section 903, Review Procedures are:

- Changing references to the Board of County Commissioners (BoCC) to the Land Development Director in Table 9.1 and 9.2 regarding Level 5 Review (plat approval).

### The changes to Section 908, Level 5 Review are:

- Changing references to the Board of County Commissioners (BoCC) to the Land Development Director regarding Level 5 Review (plat approval)
- Inserting plat review timing requirements per Chapter 177 of the Florida Statutes

**The changes to Section 909.B, Applicability (of completion guarantees) are:**

- Minimum project cost for requiring performance sureties and maintenance sureties from \$10,000 to \$100,000.

**The changes to Section 909.C, Amount of Security (of completion guarantees) are:**

- Allowing letters of credit and bonds to be eligible if the financial institution has a permanent branch office located in Florida rather than requiring the financial institution to be headquartered in Florida.

**Summary:**

Florida Statute 177.071, concerning plat approval, was recently updated (effective July 1, 2025) to streamline the process, clarifying that an "administrative officer" can grant final plat approval, and requiring swift acknowledgment and initial review (within 7 days) for plats submitted to counties/municipalities, detailing processing steps, and allowing electronic submittal for some parties. These changes focus on efficiency, clear communication, and defining roles for the approval of subdivision plats, with local governments implementing these changes through their land development codes. Changes to the Florida Statutes included:

- **Administrative Approval:** "Governing bodies" can now delegate the final approval of plats to a designated "administrative officer", such as a County/City Manager or high-ranking department director, for quicker processing.
- **Initial Acknowledgment:** The administrative authority must acknowledge receipt of a plat submittal within 7 business days, identifying any missing documents and outlining the approval process.
- **Streamlined Process:** The statute aims to expedite approvals by defining clear timeframes and responsibilities for reviewing plats for completeness.
- **Local Implementation:** Counties and cities are updating their Land Development Codes to align with these state-level mandates for plat review.

On August 15, 2025, the Board adopted a resolution to designate the Land Development Director as the administrative officer for plat approval. This proposed amendment to the LDC implements this statute by formally codifying these new requirements for the plat approval process.

## Findings of Fact

1. *The request is a Land Development Code text amendment to Chapter 8, Section 806 Plats; Section 810, Replats and Modifications, Section 903, Review Procedures; and Section 908 Level 5 Review, to change the procedure of approving subdivision plats from the Board of County Commissioners to the Land Development Director in accordance with new requirements of Chapter 177-071 of the Florida Statutes and amending Section 909.B, Applicability, and Section 909.C, Amount of Security, to adjust the minimum construction cost threshold and location of financial institution for Performance and Maintenance Securities.*
2. *This amendment applies to all properties in the unincorporated areas applying for land subdivision, including the Green Swamp Area of Critical State Concern.*
3. *Chapter 177.071 Approval of plat by governing bodies.—*
  - (1) *Before a plat is offered for recording, it must be approved by the appropriate governing body, and evidence of such approval must be placed on the plat. If not approved, the governing body must return the plat to the professional surveyor and mapper or the legal entity offering the plat for recordation. For the purposes of this part:*
    - (a) *When the plat to be submitted for approval is located wholly within the boundaries of a municipality, the governing body of the municipality has exclusive jurisdiction to approve the plat.*
    - (b) *When a plat lies wholly within the unincorporated areas of a county, the governing body of the county has exclusive jurisdiction to approve the plat.*
    - (c) *When a plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its boundaries, unless the governing bodies having said jurisdiction agree that one plat is mutually acceptable.*
  - (2) *Any provision in a county charter, or in an ordinance of any charter county or consolidated government chartered under s. 6(e), Art. VIII of the State Constitution, which provision is inconsistent with anything contained in this section shall prevail in such charter county or consolidated government to the extent of any such inconsistency.*
4. *POLICY 2.128-C1: STANDARDS of the Comprehensive Plan states, “Through the implementation of its Land Development Code, Polk County shall regulate the subdivision of land in a manner consistent with the requirements of Florida Statutes to ensure:*
  - a. *Legal access to public rights-of-way;*
  - b. *Proper designation of rights-of-way and easements for roads, public utilities, and other public uses;*
  - c. *The orderly provision of community services including police, fire, and emergency medical services, and;*
  - d. *Compliance with local land use policies and regulations.”*
5. *Chapter 8 of the Land Development Code (LDC) is dedicated to the land subdivision regulations including platting requirements. Chapter 9 of the LDC is dedicated to the development procedures including the subdivision of land through plat approval.*
6. *Chapter 10 of the LDC defines Plat as “a map or drawing depicting the division of land into lots, blocks, parcels, tracts, sites or other divisions, as specified in F.S. ch. 177.”*
7. *Chapter 10 of the LDC defines Subdivision as “any division of a lot, parcel, or tract of land.”*
8. *Planning staff have reviewed the land development requirements of 12 central Florida counties that bear commonalities with Polk and the two largest municipalities in the County.*

*Staff found that four (4) out of the 14 jurisdictions have adopted an administrative approval process for plat review and recording per the requirements of Florida Statute 177.071.*

### **Development Review Committee Recommendation:**

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommend **APPROVAL** of LDCT-2025-30.

## **Analysis**

### **Introduction**

In the spring of 2025, the Florida Legislature passed Senate Bill 784 which was signed into law by the Governor with an effective date of July 1, 2025. This law requires all local governments to change their procedures for land subdivision plat approval from the governing body to an administrative official designated by the governing body. On August 15, 2025, the Board of County Commissioners passed resolution 2025-081 designating the Land Development Director as the administrative official with the sole responsibility for plat approval. This amendment is primarily to codify this new procedure into the Land Development Code.

While much of this proposed amendment is merely replacing “Board of County Commissioners” with “Land Development Director,” there are some logistical issues that have to be addressed that the legislation did not. One of those is the process of re-platting over an existing plat. Most platted lands include easements, public offerings, and other dedications to properties that may not be under the same ownership as the applicant for the new plat. Those property owners may likely have development rights that cannot be quashed administratively that under Florida as well as Polk County laws require a public notice and hearing process. Therefore, this amendment directs a property owner back to the Board of County Commissioners for approval to vacate right-of-way, easements, and other dedications prior to the approval of a re-plat.

### **Recommended Changes**

Staff are recommending that the LDC reflect the requirements of CH. 177.071 FS and Board of County Commissioners Resolution 2025-081 by adopting the following changes to Chapter 8, Sections 806 and 810 and Chapter 9, Sections 903, 908, and 909.

Amend Chapter 8, Section 806, Plats by changing the duties of the Board of County Commissioners (BoCC) to the Land Development Director with regard to final plat approval authority abrogating the conditional plat approval process because it is unnecessary if plats are approved without a public meeting. However, it must be stated that the administrative plat approval is different from accepting dedicated infrastructure.

Amend Chapter 8, Section 810, Re-plats and Modifications, by changing certain duties of the Board of County Commissioners (BoCC) to the Land Development Director. But also adding 910.D, Vacating or Re-Platting Dedicated Easements, Right-of-Way, Parcels or Tracts, to direct the process for vacating dedications prior to approval of a re-platting property. This will ensure that individual property rights are not taken away without proper notification of all parties affected.

Section 903, Review Procedures, has summary tables (Table 9.1 and 9.2) that outline all review processes. References to the Board of County Commissioners (BoCC) need to be changed to the Land Development Director regarding Level 5 Review (plat approval).

Section 908, Level 5 Review, includes many references to the Board of County Commissioners (BoCC) that need to change to the Land Development Director regarding Level 5 Review (plat approval). Senate Bill 784 also called for shorter plat review timing requirements. These are quoted directly from Florida Statute 177.071.

The costs of construction have greatly increased since the performance surety requirements prior to platting were adopted. Staff recommends changes to Section 909.B, Applicability (*of completion guarantees*) to raise the minimum project cost for requiring performance sureties and maintenance sureties from \$10,000 to \$100,000.

There are a limited number of financial institutions headquartered in the state. The purpose of the requirement is that the money is easily accessible if it is needed for infrastructure completion or repairs. Staff recommend changes to Section 909.C, Amount of Security (*of completion guarantees*), to allow letters of credit and bonds to be eligible if the financial institution has a permanent branch office located in Florida rather than requiring the financial institution to be headquartered in Florida.

### **Benefit-cost Analysis of the Amendment**

#### *Who does it help?*

Polk County significantly expedited the platting process by creating a pre-approval process for the Board of County Commissioners in 2010 where the Board could approve a plat prior to completion of the plat review. This enabled a plat to be recorded shortly upon completion of the review without having to wait for the next available Board meeting for final action. This amendment cuts out the time it could take to have the Board Chairman come to the County Administration Building to sign the plat prior to recording. This puts it in the hands of the Land Development Director who is typically at the building. It can potentially shorten the time between plat approval and recording; and “time is money” in the land development business.

The legislative requirement of a faster review response process does not change Polk County’s current plat review system because we already meet these standards. Polk County has the most expedient review processes in all of Central Florida. The modifications to the minimum construction cost requiring financial securities and changes to the location of creditors will assist many small projects and all builders.

#### *Who does it hurt?*

This does potentially remove the public’s ability to comment on the approval of a platted development. Before this legislation, plats were pre-approved in an open public forum where constituents could voice their concerns. While platting is rather late in the development approval process for any objections or concerns to be aired, it does remove one avenue for public accountability. However, the platting process is more of a technical part of the overall development process for which public input is unlikely to alter the physical outcome.

#### *What is the cost?*

These changes require significant investment into technology that enables limited staff to be more productive. Polk County has been making these ongoing technological improvements since the mid-1990s and has not stopped making improvements to the system. This efficiency is borne out of the experience of high population growth rates over the past 30 years.

## **Regulatory History**

Plats recorded in the unincorporated areas of the County have been approved by the County Commission in a public meeting and signed by the Chairman dating back to the mid-1920s. The first ordinance that was recorded regulating the subdivision of land became effective January 19, 1970 (Ord. 70-1). This proposed ordinance amendment is implementing a change in County procedure that is over 100 years old.

## **Limits of the Proposed Ordinance**

This amendment applies to all lands within the unincorporated areas of Polk County including the Green Swamp Area of Critical State Concern. This amendment will be forwarded to Florida Commerce for the statutorily required 45-day review.

## **Comparisons to other Jurisdictions**

Staff commonly survey counties along the I-4 corridor for regulatory comparisons because they are most closely similar to Polk. Some of the abutting counties are reviewed along with the two largest cities within the County (Lakeland and Winter Haven). Alachua and Duval counties are also reviewed because of similar demographic and urban-rural mixtures to Polk County. This method of selection creates a survey of 14 total local jurisdictions. In addition to the aforementioned, the survey includes Brevard, Hardee, Highlands, Hillsborough, Lake, Manatee, Orange, Osceola, Seminole, and Volusia Counties. Out of the 14, only four Counties (Manatee, Orange, Osceola, and Volusia) have implemented the change to an administrative signature of approval on plats with no public hearing requirements. The City of Lakeland has also approved a resolution to change the plat approval process similar to the County and is in the process of drafting final code changes.

## **Consistency with the Comprehensive Plan**

This amendment is consistent with the Comprehensive Plan, specifically POLICY 2.128-C1, which states, *“Through the implementation of its Land Development Code, Polk County shall regulate the subdivision of land in a manner consistent with the requirements of Florida Statutes...”* It does not change any regulations with regard to:

- Legal access to public rights-of-way;
- Proper designation of rights-of-way and easements for roads, public utilities, and other public uses; The orderly provision of community services including police, fire, and emergency medical services, or;
- Compliance with local land use policies and regulations.”

## **Consistency with the Florida Statutes**

The purpose of this amendment is to bring the Land Development Code into compliance with Florida Statute 177.071, concerning plat approval.

**Comments from Other Agencies:** Input into the drafting of this ordinance was provided by Polk County Roads and Drainage Division.

**Draft Ordinance:** under separate attachment