

May 6, 2025

The Honorable George Kruse
Chairman, Manatee County
Board of County Commissioners
Post Office Box 1000
Bradenton, Florida 34206-1000

Dear Chairman Kruse,

FloridaCommerce has reviewed the Manatee County proposed comprehensive plan amendment (Amendment No. 25-02ESR), received on April 7, 2025, pursuant to the expedited state review process in section 163.3184(2) and (3), Florida Statutes (F.S.). FloridaCommerce has identified a comment regarding conflicts with the application of Chapter 2023-349, Section 15, Laws of Florida (L.O.F.), to the proposed comprehensive plan amendment. These conflicts render the proposed comprehensive plan amendment “null and void.” Chapter 2023-349 provides:

Section 14. (1) Due to the impacts of Hurricane Ian, Charlotte, Collier, Desoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, and Sarasota Counties, and any municipality located within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by Hurricane Ian; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2026, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void ab initio. This subsection applies retroactively to September 28, 2022.

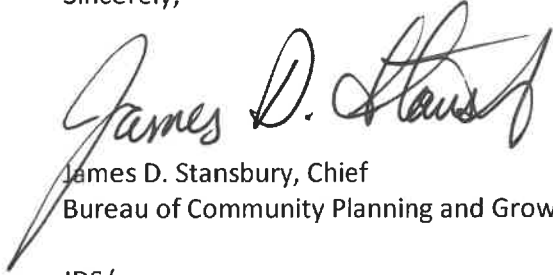
For the reasons outlined herein, Manatee County’s proposed amendment is more “restrictive or burdensome,” making it “null and void,” pursuant to Section 15 of Chapter 2023-349, Laws of Florida (L.O.F.).

The County should act by not adopting the proposed amendment or adopt a newly proposed amendment with changes that remove the restrictive and/or burdensome provisions. FloridaCommerce is willing to provide technical assistance to Manatee County to inform revisions to the elements of the proposed amendment that are more “restrictive or burdensome.”

In addition, the County is reminded that Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**

If you have any questions concerning this review, please contact Scott Rogers, Regional Planning Administrator, by telephone at (850)-717-8510 or by email at Scott.Rogers@Commerce.fl.gov.

Sincerely,



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

JDS/sr

Enclosure(s): Procedures for Adoption

cc: Rachel Layton, Planning Division Manager, Manatee County
Wren Krahl, Executive Director, Tampa Bay Regional Planning Council

FloridaCommerce Comment:

Chapter 2023-349, Section 15, L.O.F., amended Section 14 of Chapter 2023-304, L.O.F., to provide:

Section 14. (1) Due to the impacts of Hurricane Ian, Charlotte, Collier, Desoto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, and Sarasota Counties, and any municipality located within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by Hurricane Ian; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2026, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void ab initio. This subsection applies retroactively to September 28, 2022.

Manatee County's proposed Amendment 25-02ESR revises the County's wetland protection provisions to establish requirements that are more restrictive and/or burdensome and other requirements that are potentially more restrictive and/or burdensome than the County's currently adopted Comprehensive Plan. The proposed Amendment 25-02ESR is not clearly based on appropriate data and an analysis of the effect of Section 15 of Chapter 2023-349, L.O.F., on the amendment as required by Section 163.3177(1)(f), F.S.

The Southwest Florida Water Management District (SWFWMD) and the Florida Department of Transportation (FDOT) have reviewed Manatee County's proposed Amendment 25-02ESR and commented that the Amendment 25-02ESR establishes requirements that are more restrictive and/or burdensome. The SWFWMD has identified that the amendment seeks to reinstate requirements for wetland buffers, impact avoidance, and mitigation that exceed the standards currently required under State law and that the amendment appears to be inconsistent with Chapter 2023-349, L.O.F., (see attached SWFWMD letter dated May 2, 2025). Thus, the proposed Conservation Element Objective 3.3.1 and Policies 3.3.1.1., 3.3.1.3(2 and 3), 3.3.1.5, 3.3.1.6 and proposed Coastal Management Element Policy 4.1.2.5 are more restrictive and/or burdensome. The proposed Conservation Element Policy 3.3.1.2 (wetland delineation) is potentially more restrictive and/or burdensome, and Manatee County should clarify whether proposed Policy 3.3.1.2 is more restrictive and/or burdensome.

The FDOT (see attached FDOT letter of May 2, 2025) has identified that the amendment (Conservation Element and Coastal Management Element amendments) is more restrictive or burdensome than the current comprehensive plan, including additional requirements for wetland mitigation and buffers of 30-50 feet. The FDOT comment states that larger buffers require additional mitigation, and this may impact projects on the transportation network, including transportation resources and facilities of state importance, that might be required to meet buffer or mitigation requirements. FDOT identifies the following remedy for Amendment 25-02ESR: Requirements specific to wetland permitting, mitigation, and buffers should align with existing State and Federal requirements to minimize impacts to transportation project development and delivery.

The Florida Department of Environmental Protection (FDEP) has reviewed Manatee County's proposed Amendment 25-02ESR and commented (see attached FDEP letter of May 5, 2025) that the Department's preliminary review of the proposed policies raises questions of compliance with Section 14 of Chapter 2023-349, Laws of Florida, and that the Department is seeking guidance from the Department of Commerce on whether the proposed amendment is in violation of the aforementioned section of law and therefore should not be formally reviewed by commenting agencies.

Statutory Authority: Sections 163.3177(1)(f), 163.3177(6)(b), 163.3177(6)(d), 163.3177(6)(g), 163.3178, and 163.3184(3), F.S.

Recommendation: The County should act by not adopting the proposed amendment or adopt a newly proposed amendment with changes that remove the more restrictive and/or burdensome provisions. The amendment should be supported with an analysis of the consistency of the amendment with the applicable requirements of Section 15 of Chapter 2023-349, L.O.F. The County should revise the amendment to ensure that the wetland protection provisions do not adversely impact transportation resources and facilities of state importance. Again, FloridaCommerce is willing to provide technical assistance to Manatee County to inform revisions to the elements of the proposed amendment that are more "restrictive or burdensome."



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Southwest Florida Water Management District

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WaterMatters.org

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170 Century Boulevard
Barrow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7882 (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. 901 North
Tampa, Florida 33637-6769
(813) 986-7481 or
1-800-836-0797 (FL only)

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Brian J. Armstrong, P.E.
Executive Director

May 2, 2025

Ms. Rachel Layton, AICP
Planning Division Manager
Development Services Department
Manatee County
1112 Manatee Avenue West, 4th Floor
Bradenton, FL 34205

Subject: Manatee 25-2ESR

Dear Ms. Layton:

The staff of the Southwest Florida Water Management District have reviewed the Wetland Protection Reversion Comprehensive Plan Text Amendment (PA-25-01 / Ordinance No. 25-14) submitted by Manatee County. The District has no substantive comments regarding the amendment.

However, the District's Office of General Counsel's observation is that the amendment seeks to reinstate requirements for wetland buffers, impact avoidance, and mitigation that exceed the standards currently required under state law. The amendment appears to be inconsistent with Section 14 of Chapter 2023-349, Laws of Florida, which prohibits several local governments impacted by Hurricane Ian, including Manatee County, from adopting more restrictive or burdensome amendments to comprehensive plans or land development regulations than those required by state law until October 1, 2026.

We appreciate the opportunity to participate in the comprehensive plan amendment review process. The District remains available to provide technical assistance to the County in the development of sound, sustainable land use policies that protect water resources. 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: Barbara Powell, DOC

Harris, Donna

From: Reina, Bessie <Bessie.Reina@dot.state.fl.us>
Sent: Friday, May 02, 2025 3:42 PM
To: rachel.layton@mymanatee.org
Cc: Suguri, Vitor; McKinney, Jennifer; Harris, Donna; Stoutamire, Terri
Subject: [EXTERNAL] - Manatee County 25-02ESR Review Memo
Attachments: CPS 25-02ESR Manatee County Submittal 04-07-25.pdf; CPS 25-02ESR Manatee County Submittal DOC Memo 04-07-25.pdf

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Good Afternoon Ms. Layton,

After further review and consideration of 2023 Laws of Florida 349-15, FDOT provides the following comment on the CPA:

COMMENT: Element 3 – CONSERVATION and Element 4 – COASTAL MANAGEMENT of the proposed comprehensive plan amendment is more restrictive or burdensome than the current comprehensive plan, including additional requirements for wetland mitigation and buffers of 30-50 feet. Florida Department of Environmental Protection typically requires buffers between 15 and 25 feet. Larger buffers require additional mitigation. This may impact projects on the transportation network, including transportation resources and facilities of state importance, that might be required to meet buffer or mitigation requirements.

REMEDY: Requirements specific to wetland permitting, mitigation, and buffers should align with existing State and Federal requirements to minimize impacts to transportation project development and delivery.

Bessie Reina, CNU-A
Intermodal Systems Development Administrator
Florida Department of Transportation, District One
Cell: (863)-221-9193
Office: (863)-519-2379



FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399

Ron DeSantis
Governor

Alexis A. Lambert
Secretary

May 5, 2025

James Stansbury, Bureau Chief
Community Planning and Growth
Florida Department of Commerce
107 E Madison Street
Tallahassee, FL 32399

Manatee County 25-02ESR Proposed Comprehensive Plan Amendment Expedited Review

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment. The Department's preliminary review of the proposed policies raises questions of compliance with Section 14 of chapter 2023-349, Laws of Florida.

The Department is seeking guidance from the Department of Commerce on whether the proposed amendment is in violation of the aforementioned section of law and therefore should not be formally reviewed by commenting agencies.

We look forward to your guidance and should you require additional information, please contact me at (850) 717-9037 or Lindsay.Weaver@FloridaDEP.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Lindsay Weaver".

Lindsay Weaver, Environmental Specialist II
Office of Intergovernmental Programs

cc: Donna Harris, Florida Department of Commerce

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW

section 163.3184(3), 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/>) **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.

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ 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 amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its 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 the executed ordinance adopting the comprehensive plan amendment(s).

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, 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."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency 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 State Land Planning Agency in response to the comment letter from the State Land Planning Agency.



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Sarasota Office

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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
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Pinellas

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Robert Stern
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Nancy Watkins
Hillsborough, Pinellas

Brian J. Armstrong, P.G.
Executive Director

May 2, 2025

Ms. Rachel Layton, AICP
Planning Division Manager
Development Services Department
Manatee County
1112 Manatee Avenue West, 4th Floor
Bradenton, FL 34205

Subject: **Manatee 25-2ESR**

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Sincerely,

James J. Golden, AICP
Senior Planner

JG

cc: Barbara Powell, DOC

From: [Reina, Bessie](#)
To: [Rachel Layton](#)
Cc: [Suguri, Vitor](#); [McKinney, Jennifer](#); donna.harris@commerce.fl.gov; terri.stoutamire@commerce.fl.gov
Subject: Manatee County 25-02ESR Review Memo
Date: Friday, May 2, 2025 3:42:53 PM
Attachments: [CPS 25-02ESR Manatee County Submittal 04-07-25.pdf](#)
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REMEDY: Requirements specific to wetland permitting, mitigation, and buffers should align with existing State and Federal requirements to minimize impacts to transportation project development and delivery.

Bessie Reina, CNU-A
Intermodal Systems Development Administrator
Florida Department of Transportation, District One
Cell: (863)-221-9193
Office: (863)-519-2379

From: [McKinney, Jennifer](#)
To: [Rachel Layton](#)
Cc: [Stoutamire, Terri](#); [Suguri, Vitor](#); Donna.Harris@commerce.fl.gov
Subject: RE: Manatee County 25-02ESR Review Memo
Date: Wednesday, April 9, 2025 5:50:11 PM
Attachments: [image001.png](#)
[image002.png](#)
[Manatee County 25-02ESR Review Memo.pdf](#)
[CPS 25-02ESR Manatee County Submittal 04-07-25.pdf](#)

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Good Afternoon Ms. Layton,

FDOT has reviewed the proposed amendment for the Manatee County pursuant to Section 163.3184(3), Florida Statutes. The CPA is not anticipated to have significant adverse impacts to transportation resources or facilities of state importance.

We appreciate the opportunity to review the proposed amendment, and if you have any questions, please do not hesitate reach out.

Thanks!

Jennifer McKinney

Community Planner – SIS Coordinator – Project Management Professional
Florida Department of Transportation
District One Planning Studio
801 North Broadway Avenue
Bartow, FL 33830
Phone: (863) 519-2990
E-Mail: Jennifer.McKinney@dot.state.fl.us

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DISTRICT ONE



From: Stoutamire, Terri <Terri.Stoutamire@commerce.fl.gov>

Sent: Monday, April 7, 2025 3:34 PM

To: Cara W Serra <cara@tbrpc.org>; CompPlans@fldoe.org; DEP Only
<Plan.Review@dep.state.fl.us>; DOS only (CompliancePermits@dos.fl.gov)
<CompliancePermits@dos.fl.gov>; D1-Planning Reviews <D1-PlanningReviews@dot.state.fl.us>;
FWC Only <FWCConservationPlanningServices@myFWC.com>; Southwest Florida WMD only
(James.Golden@swfwmd.state.fl.us) <James.Golden@swfwmd.state.fl.us>

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