

City of Lake Alfred, Florida
Interim Administrative Final Plat/Replat Approval Policy
Adopted September 25, 2025

Section 1. Statement of Adoption and Purpose.

(a) Pursuant to *Section 1 of Chapter 2025-164, Laws of Florida*, codified at *Section 177.071, Florida Statutes (2025)*, this administrative review and approval policy (the “Policy”) is hereby adopted by the City Commission of the City of Lake Alfred, Florida (the “City Commission”).

(i) The purpose of this Policy is to implement an administrative review and approval process, as required by *Section 177.071(1)(a), Florida Statutes (2025)*, which includes, but shall not be limited to, the designation of an *administrative authority*¹ to receive and process certain plat and replat submittals, as follows:

1. The City Commission shall designate an *administrative authority* to **receive, review, and process** applications/submittals for approval of a plat and/or replat; and
2. The City Commission shall designate an *administrative authority* responsible for the **approval, approval with conditions, or denial** of any plat and/or replat application/submittals.

(ii) For purposes of issuing an **approval**, which may also be referred to as a *final administrative approval*, of a plat or replat submittal, the term *administrative authority* also includes an administrative officer or employee designated² by the governing body of a county or municipality.

(iii) This Policy shall be implemented and adhered to by the City of Lake Alfred, Florida (the “City”), during the interim period while the City adopts amendments to applicable provision(s) of *Article 9 of the City of Lake Alfred Unified Land Development Code (“ULDC”)* and *Code of Ordinances, City of Lake Alfred, Florida* (the “Code”), relating to plat approval, replat approval, and subdivision approval.

(b) Pursuant to *Section 2 of Chapter 2025-164, Laws of Florida*, codified at *Section 177.111, Florida Statutes (2025)*, this Policy requires that, following the **approval**

¹ §177.071(1)(b), *Fla. Stat. (2025)* defines *administrative authority* as a department, division, or other agency of the county or municipality.

² The *City of Lake Alfred Unified Land Development Code (“ULDC”)* designates the *City of Lake Alfred Development Review Special Magistrate* as being responsible for rendering administrative decisions for *development order(s)*, quasi-judicial matter(s), and administrative appeals arising out of established land development regulations and other regulatory matters.

of a plat or replat by the *administrative authority*, the plat or replat must be recorded by the circuit court clerk or recording officer in the public records of Polk County, Florida.

(c) Pursuant to *Section 6 of Chapter 2025-177³, Laws of Florida*, codified at *Section 166.033, Florida Statutes (2025)*, the Policy shall be implemented to adhere to the *timeframe(s)* and other requirements applicable to the processing of *development permits* and *development orders*⁴.

Section 2. Provisions of Local Ordinances; Effective Period.

(a) This policy recognizes that certain section(s) and provision(s) of *Article 9 of the ULDC* have been superseded by §§ 177.071 and 177.111, *Florida Statutes (2025)*.

(b) Nothing in this policy shall affect the requirement(s) related to the posting of a Performance Bond and/or Maintenance Warranty Bond pursuant to *Section 9.7.4.F of the ULDC*.

(c) Nothing in this policy shall affect the requirement(s) set forth in *Section 9.2.3.F.4 of the ULDC* related to the acceptance by the City Commission of public improvement(s) constructed pursuant to the platting of approved subdivisions

(d) Nothing in this policy shall affect the requirement that the City Commission accept by resolution the conveyance of real property and/or the dedication of real property pursuant to the terms and provisions set forth in the *Charter for the City of Lake Alfred, Florida* (the “Charter”); *Code of Ordinances, City of Lake Alfred, Florida* (the “Code”); and *City of Lake Alfred Unified Land Development Code*.

(e) This Policy shall be effective until a duly adopted ordinance is passed by the City Commission adopting certain amendments to *Article 9 of the ULDC, Administration and Procedures*, relating to *replats, platted subdivisions, administrative procedures, review and approval processes, appeals process, legislative review, subdivision review, and relief* have been approved in accordance with applicable Florida law.

Section 3. Designation of Administrative Authority to Receive, Review, and

³ *Section 6 of Chapter 2025-177, Laws of Florida*, codified at §166.033, *Florida Statutes (2025)*, shall take effect on October 1, 2025.

⁴ The terms *development order* and *development permit* shall have the same meaning as set forth in §163.3164, *Florida Statutes (2024)*, as follows:

- (i) ***development order*** means any order granting, denying, or granting with conditions an application for a development permit; and
- (ii) ***development permit*** includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

Process the Plat and/or Replat Submittal(s).

(a) Pursuant to *Article 9 of the ULDC* and *Section 177.071(1)(a), Florida Statutes (2025)*, the City Commission designates the *City of Lake Alfred Planning Official*⁵ (the “Planning Official”) as the *administrative authority* to **receive, review, and process** any application/submittals for a plat and/or replat for completeness.

(b) **Written Notice.**

(i) Within **seven (7) business days** following the day on which the Planning Official receives a plat or replat submittal, the Planning Official shall **review the submittal for completeness** and provide **written notice** to the applicant *acknowledging receipt* of the submittal.

(ii) **General.**

1. The **written notice** shall state the date on which the City received the plat or replat submittal; and, for purposes of this requirement, the **date of receipt** shall be the date which is clearly marked, stamped, and/or otherwise expressly identified on the cover page or front page of the subject submittal(s).
2. The **written notice** shall be provided using the contact information provided by the applicant as part of the submittal which includes, but is not to be limited to, an active electronic mail (e-mail) address.
3. The **written notice** shall provide notification to the applicant of either:
 - a. The plat and/or replat submittal **is** complete; or
 - b. The plat and/or replat submittal **is not** complete.
4. If the plat and/or replat submittal **is** complete, the **written notice** shall expressly state the **date on which the subject application is deemed complete** by the Planning Official.
5. If the plat and/or replat submittal is incomplete, the **written notice** shall state that the *minimum information* that an applicant must submit for a Plat and/or Replat submittal is posted on the City’s website, <https://mylakealfred.com/180/Planning-Zoning> and readily

⁵ Pursuant to *Sec. 9.1.1.E.1.a of the ULDC*, the City of Lake Alfred Planning Official is responsible for the review of an application type identified in *Article 9 of the ULDC* to ensure that the application is sufficient and complete.

available for copying and inspection, and include the information required below "Content of Written Notice".

6. **Calculation of Time.** The calculation of the number of days that have passed during any time period prescribed by this Policy shall be based on Calendar Days (unless specified otherwise in this Policy). Unless otherwise specified in this Policy, the calculation of the number of days that have passed during any time period prescribed in or by this Policy shall commence on the day immediately following the event triggering such time period. For purposes of this Policy, unless otherwise specified herein, the tolling of any such time period(s) shall be in Calendar Days. In the event any time period or deadline identified in this Policy expires and/or falls on a Saturday, Sunday or City recognized holiday, said expiration and/or deadline shall be automatically tolled until 5:00 pm on the next available Business Day which the City is open for business to the public.
7. For purposes of this Policy, **business days** shall mean each calendar day which is not a Saturday, Sunday or a recognized holiday by the City of Lake Alfred, Florida.
8. For purposes of this Policy, **calendar days** and/or **days** shall mean any day in a 365-day calendar.
9. **Date of receipt** For purposes of this Policy, an e-mail and/or submittal(s) sent electronically and received by the Planning Official on or before 12:00 PM on a Business Day shall be deemed to have been received on the Business Day which the e-mail and/or submittals were sent. In the event an e-mail and/or submittal(s) are sent electronically and received by the Planning Official on or after 12:01 PM on a Business Day, the e-mail and/or submittals shall be deemed to have been received on the next Business Day.

(iii) **Content of Written Notice.**

Pursuant to Section 177.071(1)(2), Florida Statutes (2025), the **written notice** shall provide, at a minimum, as follows:

1. **Plat and/or replat application completeness.**
 - a. Pursuant to Section 166.033(1), Florida Statutes (2025), the City shall specify in the **written notice** the *minimum information* that the applicant must submit for a plat and/or

replat application/submittal to be complete (i.e., *subdivision approval*).

- b. In the event the Planning Official determines that the plat and/or replat application/submittal **is not** complete, the **written notice** shall *identify missing documents and/or information* necessary to process the submittal for compliance with the ULDC, the Code, and §177.091, *Florida Statutes (2025)*.
 - i. Beginning on the date which the **written notice** is delivered to the applicant via electronic mail, the applicant shall have **thirty (30) days** to address any deficiencies by submitting the documents and/or information identified in the **written notice**.
 - ii. If the applicant fails to cure the identified deficiencies and/or provide the identified documents/information necessary to process the submittal within the above-referenced timeframe, the plat and/or replat submittal shall be denied by the Planning Official.
 - iii. The applicant may submit a request for an *extension of time* in accordance with **Section 4(c)** of this Policy.
- c. In the event a plat and/or replat submittal is denied by the Planning Official, the **written notice** shall provide the applicant three **(3) business days** to pick-up any original documentation submitted to the City, and a new application/submittal shall be required for further consideration by the City.
- d. Pursuant to *Section 9.1.1.E of the ULDC* and applicable Florida law, once a complete plat and/or replat application/submittal is received, the Planning Official shall schedule the subject application/submittal for administrative review and, pursuant to the applicable timeframe(s) set forth in this Policy, consideration by the appropriate *administrative authority*.

(c) **Minimum Requirements for completeness.** The contents of the application/submittal shall include all of the applicable requirements identified by and/or set forth in *Article 9 of the ULDC* and *Part I, Chapter 177, Florida Statutes* which includes, but shall not be limited to, payment of applicable application fee(s), attorney's opinion of

title or property information report⁶, copies of all documents identified by the attorney's opinion of title or property information report, and all homeowner's association or property owner's association information and/or documentation.

Section 4. Applicable Timeframes.

(a) For an application requiring **final action/approval** through a **quasi-judicial hearing** (i.e., not a public hearing), the designated *administrative authority* shall **approve, approve with conditions, or deny** the application within **180 days** following the date on which the application is deemed complete by the Planning Official (i.e., date of completeness provided in written notice).

(b) The *timeframes* provided for in *Section 166.033, Florida Statutes (2025)*, **do not** apply in an *area of critical state concern* (i.e., designated in §380.0552, FS or Ch. 28-36, FAC).

(c) Any request submitted by an applicant for an *extension of time* shall be granted by the applicable *administrative authority* and shall waive all applicable *shot clock* and/or *timeframe(s)* established by §§ 177.071 and 166.033(2), *Florida Statutes (2025)*.

(i) Pursuant to §§ 166.033(2) and 177.071(3), *Florida Statutes (2025)*, the applicant may request *in writing* or *in a quasi-judicial hearing* for an extension of time.

(ii) The *administrative authority* and/or any City official, employee, agent, or designee **shall not** request or require the applicant to submit a request for an extension of time.

(d) *Approval with conditions.* Pursuant to *Section 6 of Chapter 2025-177, Laws of Florida*, codified at *Section 166.033, Florida Statutes (2025)*, the applicant shall have **one hundred and twenty (120) days** from the *date of rendition*⁷ of any order of the *administrative authority* approving a final plat with conditions to fully satisfy all conditions identified by the order.

Section 5. Designation of Administrative Authority Responsible for the Approval, Approval with Conditions, or Denial of Plat and/or Replat Submittal(s).

(a) Pursuant to *Article 9 of the City of Lake Alfred unified Land Development*

⁶ The attorney's opinion of title or property information report shall be dated within thirty (30) days of the *date of receipt* by the City of the subject application/submittals.

⁷ Pursuant to the *Fla. R. of App. P. 9.020(h)*, the *date of rendition* is defined as the date when a signed written order is filed with the clerk of the lower tribunal. For purposes of this Policy, the clerk of the lower tribunal shall mean the City Clerk of and/or for the City of Lake Alfred, Florida.

Code and Section 177.071(1)(a), Florida Statutes (2025), the City Commission designates the *City of Lake Alfred Development Review Special Magistrate*⁸ (the “Magistrate”) as the *administrative authority* responsible for the **approval, approval with conditions, or denial** of any proposed plat and/or replat submittals.

(b) Unless the applicant requests an *extension of time*, the Magistrate shall hold a ***quasi-judicial hearing*** and enter an order for the **approval, approval with conditions, or denial** of the plat and/or replat submittal within the *timeframes* set forth in the **written notice** provided to the applicant.

(c) ***Rehearing***. Pursuant to *Section 9.4.4.F of the ULDC*, the applicant may submit a written request for a rehearing. The request for rehearing shall be delivered to the Planning Official within **ten (10) days** of the *date of rendition* of any order of the Magistrate sought to be reheard.

(d) ***City Commission***. Pursuant to *Section 9.4.2.F of the ULDC*, the applicant may request an additional quasi-judicial hearing before the City Commission within **ten (10) days** following the *date of rendition* of an order by the Magistrate. For purposes of this subparagraph, the *date of rendition* of an order shall include any final disposition of an applicant’s request for a rehearing.

(e) ***Appeal***. The final decision of the Magistrate may be appealed to the Circuit Court. The appeal shall be filed by a petition for *writ of certiorari* filed in Circuit Court no later than **thirty (30) days** following rendition of a final order by the Magistrate, or when all local administrative remedies⁹, if any, are exhausted, whichever occurs later in time.

Section 6. Process for Final Approval.

Pursuant to this Policy and applicable Florida law, an application/submittals for final plat and/or replat shall be submitted to the Magistrate for a ***quasi-judicial hearing*** and entry of an order **approving, approving with conditions, or denying** the final plat and/or replat, as follows:

(a) *General Standards/Requirements.*

- (i) ***Requests for Additional Information.*** Any request(s) for additional information shall be subject to the timeframe(s) set forth in §166.033(2)(b),

⁸ Pursuant to applicable provisions of the ULDC, the Magistrate is expressly authorized by the City Commission to hear and decide matters assigned by the ULDC which includes, but is not to be limited to, the granting of written orders, after a quasi-judicial hearing, denying and/or approving *development orders* and *development permits*.

⁹ For purposes of this Policy, the term *administrative remedies* includes, but shall not be limited to, an applicant’s *request for rehearing* and *request for an additional quasi-judicial hearing before the City Commission*.

Florida Statutes (2025).

- (ii) *Substantive Change to Application/Submittals.* In the event an applicant makes a substantive change to the application/submittals, the applicable timeframe(s) set forth by this Policy shall restart. For purposes of this subparagraph, **substantive change**¹⁰ shall mean an applicant-initiated change of fifteen percent (15%) or more in the proposed density, intensity, or square footage of a parcel.

- (iii) *Incorporation by Reference.* All provisions of the Code and ULDC which are applicable to plat and/or replat applications, review and approval of same are hereby incorporated herein by reference.

- (iv) *Request for Quasi-Judicial Hearing.* Once the application/submittals have been reviewed and approved by the Technical Review Committee (TRC), the applicant may submit to the Planning Official a written request, which shall be on a form provided by the City, for a quasi-judicial hearing before the Magistrate for the approval of the plat and/or replat.
 - 1. The TRC shall review the application/submittals in accordance with the application-specific review criteria and/or requirements which includes, but shall not be limited to, applicable requirements prescribed by the ULDC, this Policy, and *Part I, Chapter 177, Florida Statutes*.
 - 2. Pursuant to *Section 9.2.2.B.5 of the ULDC*, The TRC shall provide written comments, findings, and prepare a recommendation to the Magistrate.

- (v) *Quasi-Judicial Hearing.* The Magistrate has been appointed by the City Commission to render administrative decisions for *development orders* and quasi-judicial matters which arise out of established land development regulations and other regulatory matters.
 - 1. Upon receipt of a written request from an applicant requesting a **quasi-judicial hearing**, the Planning Official shall initiate the proceeding.
 - 2. The decision of the Magistrate shall be **quasi-judicial** which means, in pertinent part, that the decision of the Magistrate shall be limited to the application of existing law, rules, and/or policy.
 - 3. Minutes shall be kept of all hearings by the Magistrate.

¹⁰ §166.033(2), *Fla. Stat. (2025)*.

4. The City Clerk shall provide clerical services and shall produce and maintain the minutes of all proceedings, decisions and/or recommendations of the Magistrate.
5. The City Attorney shall act as the attorney for the Magistrate.
6. The Magistrate shall have the authority to adopt procedural rules for the conduct of its hearings; subpoena witnesses and evidence; and issue orders having the force of law.
7. The decision of the Magistrate shall be rendered in writing not later than **ten (10) calendar days** after the date of the hearing's conclusion, and shall include findings of fact, if any, and conclusions of law.
8. No later than **five (5) business days** following the *date of rendition* of an order of the Magistrate, the order shall be recorded in the public records of Polk County, Florida.
9. The Magistrate shall not enter an order permitting and/or allowing a use which is not permitted within the applicable zoning district; and, for purposes of this Policy, any such order shall be *void ab initio*.

(vi) *Conflicts*. In the event of any conflict between the conditions, provisions, terms and/or requirements of this Policy and the conditions, provisions, terms and/or requirements of the Code and/or ULDC, the conditions, provisions, terms and/or requirements set forth in this Policy shall control and/or prevail.

(b) **Final Approval**. The applicant may request and shall be entitled to a **quasi-judicial hearing** before the Magistrate and entry of an order granting final approval for a plat and/or replat, as follows:

- (i) Pursuant to *Section 9.2.3.F of the ULDC* and applicable law¹¹, all fees, charges, and costs have been paid in-full by the applicant.
- (ii) Pursuant to *Section 7 of this Policy*, all **approval contingencies** are satisfied.
- (iii) The order of the Magistrate shall expressly direct the Magistrate to sign the copy of the plat and/or replat to be recorded on behalf of the City.

¹¹ On November 16, 2020, the City Commission passed and adopted *City of Lake Alfred Resolution No. 18-20* (effective January 1, 2021) setting forth the City's policy and revised fee schedule for purposes of processing applications/submittals for *development orders* and *development permits*.

- (iv) The TRC has submitted a written recommendation to the Magistrate that the plat and/or replat satisfies the applicable review criteria and/or requirements including, but not to be limited to, applicable requirements prescribed by the ULDC, this Policy, and *Part I, Chapter 177, Florida Statutes*.
- (v) Upon final approval by the Magistrate, the order of the Magistrate granting final approval of the plat and/or replat shall be recorded with the circuit court clerk no later than **five (5) business days** following the *date of rendition*.
- (vi) Pursuant to §177.111, *Florida Statutes (2025)*, after the final approval by the Magistrate, as required pursuant to §177.071 of the *Florida Statutes*, the plat and/or replat shall be recorded by the circuit court clerk or other recording officer upon submission thereto of such approved plat and/or replat.

(c) **Approval with Conditions.** Approval of an application/submittals for a plat and/or replat with conditions shall authorize the Magistrate to enter an Interim Order and, once the conditions identified by the Interim Order are fully satisfied, enter an *ex-parte* Final Approval, as follows:

- (i) **Interim Order.** In the event of an order approving a plat and/or replat with conditions, City Administrative Authority to sign the copy of the final plat to be recorded once the conditions of approval are fully satisfied.

1. **Conditions.** The Interim Order shall specifically identify any condition(s) of approval and the competent substantial evidence and/or applicable authority relied upon by the Magistrate for the imposition of the identified condition(s).

The Interim Order shall state, as follows:

UPON RECEIVING WRITTEN CONFIRMATION FROM THE PLANNING OFFICIAL THAT THE CONDITIONS SET FORTH IN THIS INTERIM ORDER ARE FULLY SATISFIED WITHIN THE APPLICABLE TIMEFRAME(S), THE MAGISTRATE SHALL ENTER AN *EX-PARTE* ORDER GRANTING FINAL APPROVAL OF THE PLAT AND/OR REPLAT.

2. **Model Homes.** Upon the entry of an Interim Order by the Magistrate, if recommended by the TRC, the Interim Order may authorize the Planning Official to approve the construction of model homes in accordance with *Section 3.6.1.E of the ULDC*.

3. **Title Evidence.** Unless otherwise expressly provided for as a

condition of the Interim Order, upon the entry of an Interim Order by the Magistrate, the applicant shall not be required to update its attorney's opinion of title or property information report.

- (ii) **Recording of Interim Order.** Upon the entry of an Interim Order by the Magistrate, the order of the Magistrate granting conditional approval of the plat and/or replat, along with a copy of the conditionally approved plat and/or replat attached as an exhibit thereto, shall be recorded with the circuit court clerk no later than **five (5) business days** following the *date of rendition*.
- (iii) **Ex Parte Final Order.** Except as otherwise requested by the applicant, once the conditions of the Interim Order are fully satisfied, the Magistrate shall enter an *ex-parte* order granting **final approval** of the plat and/or replat pursuant to *Section 6(b) of this Policy*.

(d) **Denial.** If the Magistrate enters an order denying the application/submittals for final approval of a plat and/or replat, the written order of the Magistrate shall set forth the reasons for the denial, including citation(s) to the applicable ordinance, rule, statute, or other legal authority relied upon for the denial. Following the date of rendition of the order denying the plat and/or replat, the plat and any original submittals shall be returned to the applicant as provided for in *Section 3(b)(iii) 1.c of this Policy*.

Section 7. Approval Contingencies; Effect.

(a) No plat and/or replat shall receive final approval unless and until the *approval contingencies* set forth herein are satisfied, as follows:

- (i) All improvements have been installed, inspected and accepted by the City or, where permitted by the City, the developer has provided the City with an *adequate performance bond* and/or *adequate defect/maintenance bond* in accordance with the provisions of applicable law¹², the ULDC, and/or this Policy.
- (ii) Filing with the Department of State of the bylaws and articles of incorporation for any applicable homeowner's association or property owner's association.
- (iii) Receipt of all applicable federal, state and local permits which may include, but shall not be limited to, permits issued by the Florida Department of Transportation, the Florida Department of Environmental

¹² For purposes of this Section, the term *applicable law* shall mean any and all applicable ordinances and resolutions of the City of Lake Alfred, Florida.

Protection, the U.S. Army Corps of Engineers, and the Southwest Florida Water Management District.

- (iv) When construction of improvements is required, approval of a developer's agreement by the City Commission, executed by the parties, and recorded in the public records in and for Polk County, Florida.
- (v) *Dedications and Interest(s) in Property.* The City Commission retains authority to accept dedications and interests in real property. Notwithstanding anything herein, acceptance of public improvements and dedications shall only be by formal act or resolution of the City Commission and no approval by the Magistrate shall constitute formal acceptance of any dedication appearing on the plat and/or replat.

(b) *Acceptance and release of performance security.* Except as otherwise provided for by applicable law and/or this Policy, acceptance of a performance surety shall only be by formal act or resolution of the City Commission. Subject to the terms of an applicable subdivision agreement, if any, or the terms and conditions of the City Commission's acceptance of a performance surety, the performance surety shall be released by the City when all private improvements are installed, inspected and approved and when all public improvements are installed, inspected and affirmatively accepted by the City and/or entity with jurisdiction.

(c) Unless the City Commission has formally accepted the dedications and/or interests in real property which are the subject of a plat and/or replat submittal and, pursuant to applicable law, the applicant has provided a performance surety, which has been reviewed and accepted by the City, no lot may be sold until all *approval contingencies* have been fulfilled.