

September 15, 2021

The Honorable Shannon Martin  
Acting Mayor, City of Port St. Lucie  
121 S.W. Port St. Lucie Boulevard  
Port St. Lucie, Florida 34984

Dear Acting Mayor Martin:

The Department of Economic Opportunity (“Department”) has reviewed the City of Port St. Lucie’s proposed comprehensive plan amendment (Amendment No. 21-04ESR), received on August 24, 2021, pursuant to the expedited state review process in Section 163.3184(2) - (3), Florida Statutes (F.S.). We have identified a comment related to adverse impacts to important state resources and facilities within the Department’s authorized scope of review. The Agency’s comment regarding these amendments are attached to this letter.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **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plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

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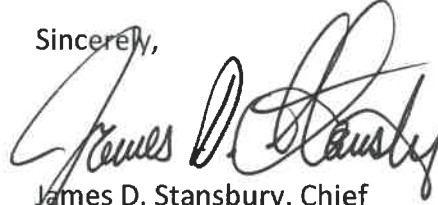
The Honorable Shannon Martin

September 15, 2021

Page 2 of 2

If you have any questions concerning this review, please contact Melissa Corbett, Planning Analyst, by telephone at (850) 717-8505 or by email at [Melissa.Corbett@deo.myflorida.com](mailto:Melissa.Corbett@deo.myflorida.com).

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with a long, sweeping underline that extends downwards and to the left.

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

JDS/mc

Enclosure(s): Procedures for Adoption

cc: Anne Cox, AICP, Assistant Director, City of Port St. Lucie

Thomas Lanahan, Executive Director, Treasure Coast Regional Planning Council

## **Agency's comments**

*Section 163.3177(6)(i)1., F.S. (Ch. 2021-195, Laws of Fla.), requires each local government to include a property rights element in its comprehensive plan. The local government has proposed its own property rights element instead of the statement of rights provided by Section 163.3177(6)(i)1., F.S. The proposed property rights element limits the consideration of property rights matters to "planning and development decisions" as opposed to considering them in "local decision making."*

*Prior to adoption, the proposed amendment must be revised to consider private property rights in the City's "local decision making."*

*Please be advised the property rights element adopted by the local government may not conflict with the statement of rights provided under Section 163.3177(6)(i)1., F.S. To ensure the adopted language does not conflict, the Department recommends that the local government consult with its legal department.*