



MEMORANDUM

AGENDA ITEM #V.C

DATE: JUNE 6, 2011

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: EVALUATION AND APPRAISAL REPORT AND LOCAL GOVERNMENT
COMPREHENSIVE PLAN REQUIRED AMENDMENT STATUS REPORT

Pursuant to Section 163.3191, Florida Statutes (F.S.), "each local government shall adopt an Evaluation and Appraisal Report (EAR) once every seven years assessing the progress in implementing the local government's comprehensive plan" to assist in keeping its Plan current. The EAR evaluates how a community has addressed major community land use planning issues and suggests how the Plan should be revised and updated. In addition, the EAR reviews legislative changes since the Comprehensive Plan (Plan) was adopted and determines how the Plan should be updated to reflect new legislation.

Table One provides the status of local governments' second round EARs, including the status of any proposed or adopted EAR-based amendments. When EARs are found to be sufficient, local governments have up to 18 months to adopt EAR-based amendments. If an EAR-based amendment is not adopted within 18 months of a sufficiency finding, local governments cannot adopt Plan amendments until the EAR-based amendments are adopted. When EARs are found not sufficient, a local government may amend its Plan for a period of one year from the date of insufficiency. After this time period, the local government is prohibited from amending its Plan until such time as the EAR has been found sufficient. When a local government fails to adopt an EAR, they are prohibited from amending its Plan.

Table Two provides the due dates and status of local governments' third round EARs. The Department of Community Affairs (DCA) kicked off the third round EAR cycle in 2009 and 2010 by hosting EAR workshops around the state. The SFRPC co-hosted a regional EAR workshop on July 15, 2009 with DCA. Staff is currently attending local EAR Scoping Meetings and reviewing proposed and adopted third round EARs in the region.

Table Three lists the local governments whose required amendments, as of this date, are overdue for one or more reasons or whose amendments are under review at this time. The Florida Legislature has authorized the imposition of penalties by DCA if local governments did not adopt certain amendments or EAR-based requirements on time. The penalties are authorized for: first, second, and third round EARs; first and second round EAR-based amendments; Public Education Facilities Element amendments; alternative water supply planning amendments; and annual updates to the Capital Improvements Element.

Recommendation

Information only.

Table One
Second Round EAR Sufficiency and EAR-Based Amendment Status
(as of May 20, 2011)

Local Government	EAR Due Date	EAR Sufficiency Finding and Date	EAR Based Amendment Due	EAR Based Amendment Status
Aventura	12/1/05	1/15/06	7/15/07	adopted 1/10/07; in compliance 3/16/07
Bal Harbour	1/1/06	8/27/10	2/27/12	
Bay Harbor Islands ¹	2/1/06			
Biscayne Park	3/1/06	11/25/08	5/25/10	adopted 10/5/10; in compliance 1/4/11
Broward County	3/1/04	7/26/04	11/8/06 *	adopted 12/12/06; in compliance 1/30/07
Coconut Creek	3/1/05	12/21/05	12/21/07*	adopted 5/22/08; in compliance 8/28/08
Cooper City	3/1/05	6/24/05	12/24/07**	adopted 12/11/07; in compliance 2/20/08
Coral Gables	4/1/06	9/7/07	3/7/09	adopted 11/17/09; in compliance 1/6/10
Coral Springs	4/1/05	4/16/07	10/16/08	adopted 7/17/08; in compliance 8/7/08
Dania Beach	4/1/05	4/30/07	10/30/08	adopted 2/24/09; in compliance 4/15/09
Davie	5/1/05	7/11/06	7/11/08*	adopted 8/19/09; in compliance 10/20/09
Deerfield Beach	5/1/05	3/3/06	9/3/07	adopted 5/1/07; in compliance 7/10/07
El Portal	11/1/04	3/11/05	9/11/06	
Florida City	11/1/04	2/5/07	8/5/08	adopted 1/23/08; in compliance 3/18/08
Fort Lauderdale	6/1/05	3/24/06	3/24/08*	adopted 5/6/08; in compliance 7/23/08
Golden Beach	11/1/04	8/26/05	2/26/07	adopted 8/26/09; in compliance 10/27/09
Hallandale Beach	6/1/05	11/28/06	5/28/08	adopted 8/19/09; in compliance 1/11/10
Hialeah	12/1/04	11/18/05	5/18/07	adopted 8/28/07; in compliance 10/23/07
Hialeah Gardens	12/1/04	1/28/05	7/28/06	adopted 5/1/07; in compliance 8/10/07
Hillsboro Beach	7/1/05	10/11/05	4/11/07	adopted 4/6/10; in compliance 6/3/10
Hollywood	7/1/05	10/9/05	4/7/08 *	adopted 2/20/08; in compliance 4/21/08
Homestead	1/1/05	1/7/08	7/7/09	adopted 7/20/09; not in compliance (10/22/09)
Indian Creek Village	1/1/05	3/11/05	9/11/06	adopted 12/19/05; in compliance 2/6/06
Islamorada	12/1/05	11/30/07	5/30/09	adopted 12/18/09; in compliance 2/3/09
Key Biscayne	2/1/05	10/24/07	4/24/09	proposed amendment reviewed at 4/5/10 Council meeting; ORC issued 5/21/10
Key Colony Beach	8/1/05	5/9/06	11/9/07	adopted 6/12/07; in compliance 8/31/07
Key West	2/1/06	4/13/07	10/13/08	
Lauderdale-By-The-Sea	8/1/05	7/7/06	1/7/08	adopted 9/12/08; in compliance 10/31/08
Lauderdale Lakes	8/1/05	11/21/07	5/21/09	proposed amendment reviewed at 11/2/09 Council meeting; ORC issued 12/8/09
Lauderhill	9/1/05	6/13/06	11/14/08*#	
Layton	9/1/05	10/20/06	4/20/08	adopted 2/7/08; in compliance 4/22/08
Lazy Lake ²	9/1/05			

¹ Staff discussed the status of the second round EAR with the Town Consultant and Vice Mayor in January, 2011. The Town intends to update their second round draft EAR with the current third round EAR cycle.

² Staff discussed status with City Attorney and offered technical assistance.

Local Government	EAR Due Date	EAR Sufficiency Finding and Date	EAR Based Amendment Due	EAR Based Amendment Status
Lighthouse Point	10/1/05	7/31/06	7/31/08*	adopted 6/23/09; in compliance 9/8/09
Margate	10/1/05	9/14/07	3/14/09	adopted 1/20/10; in compliance 3/18/10
Medley	3/1/05	3/13/07	9/13/08	adopted 2/17/09; in compliance 4/9/09
Miami	3/1/05	2/17/06	8/17/08*#	adopted 11/13/08; in compliance 8/12/10
Miami Beach	4/1/05	12/7/07	6/7/09	adopted amendment reviewed at 5/2/11 Council meeting; NOI to be issued 6/10/11
Miami Lakes	5/1/06	6/27/08	10/27/09	
Miami Shores	4/1/05	9/2/05	9/2/07 *	adopted 7/1/08; in compliance 9/4/08
Miami Springs	5/1/05	7/17/07	7/17/09	adopted 8/24/09; in compliance 12/28/09
Miami-Dade County	11/1/03	2/16/04	8/16/05	adopted 12/12/05; in compliance 2/16/06
Miramar	11/1/05	7/30/07	1/30/09	adopted 6/16/10; in compliance 11/11/10
Monroe County	8/1/04	12/12/04	12/20/06 *	adopted 5/21/07; in compliance 7/25/07
North Bay Village	5/1/05	6/26/06	12/26/07	adopted 12/11/07; in compliance 2/4/08
North Lauderdale	11/1/05	3/23/07	9/23/08	adopted 5/29/08; in compliance 8/27/08
North Miami	6/1/05	12/21/05	12/21/07*	adopted 12/11/08; in compliance 2/18/08
North Miami Beach	6/1/05	9/16/05	9/16/07*	proposed amendment reviewed at 11/8/10 Council meeting; ORC issued 12/17/10
Oakland Park	12/1/05	6/30/06	12/30/07	adopted 12/12/07; in compliance 2/1/08
Opa-locka	7/1/05	1/22/10	7/22/11	proposed amendment reviewed at 4/4/11 Council meeting; ORC to be issued 5/14/11
Parkland	1/1/05	11/17/06	5/17/08	adopted 8/20/08; in compliance 10/20/08
Pembroke Pines	2/1/06	4/11/06	10/11/07	adopted 10/3/07; in compliance 11/21/07
Pinecrest	8/1/05	4/21/06	10/21/07	proposed amendment reviewed 12/6/10; ORC issued 1/22/11
Plantation	2/1/06	7/11/06	1/11/08	adopted 11/28/07; in compliance 1/17/08
Pompano Beach	3/1/06	3/9/07	3/9/09*	adopted 1/26/10; in compliance 4/1/10
Sea Ranch Lakes ³	4/1/06			
South Miami	9/1/05	5/19/06	11/19/07	adopted 4/6/10; in compliance 6/3/10
Southwest Ranches	6/1/06	4/11/08	10/11/09	adopted 12/3/09; in compliance 2/8/10
Sunny Isles Beach	10/1/05	11/29/05	5/29/07	adopted 12/13/07; in compliance 2/8/07
Sunrise	4/1/06	4/9/07	4/9/09*	adopted 7/14/09; in compliance 9/30/09
Surfside	10/0/05	7/29/08	11/29/09	adopted 1/12/10; in compliance 03/09/10
Sweetwater	11/1/05	4/24/07	10/24/08	proposed amendment reviewed at 3/2/09 Council meeting; ORC issued 3/23/09
Tamarac	5/1/06	6/23/06	6/23/08	adopted 6/11/08; in compliance 8/4/08
Virginia Gardens	11/1/05	6/8/07	12/8/08	adopted 8/20/09; in compliance 10/23/09
West Miami	12/1/05	12/20/06	6/20/08	adopted 10/18/08; in compliance 1/17/09
Weston	5/1/06	7/17/07	1/17/09	adopted 1/20/09; in compliance 3/17/09
Wilton Manors	6/1/08	5/6/08	11/6/09	adopted 6/22/10; in compliance 9/15/10

* received 6 month extension of due date from DCA

received a second 6 month extension of due date in order to further transportation and land use planning

ORC = Objections, Recommendation, and Comments Report from the Florida Department of Community Affairs on the proposed amendment

³ Staff discussed EAR alternatives with DCA due to size of the City.

Table Two
Third Round EAR Due Dates, Status and Technical Assistance
(as of May 20, 2011)

Local Government	EAR Due Date	EAR Adopted	Technical Assistance
Aventura	12/1/12		
Bal Harbour	1/1/13		
Bay Harbor Islands	2/1/13		
Biscayne Park	3/1/12		
Broward County	3/1/11	2/22/11	Attended Scoping Meeting; Staff analysis found the EAR to be sufficient in April, 2011.
Coconut Creek	3/1/12		
Cooper City	3/1/12		
Coral Gables	4/1/13		
Coral Springs	4/1/12		
Cutler Bay	12/1/12		
Dania Beach	4/1/12		Attended Scoping Meeting.
Davie	5/1/12		
Deerfield Beach	5/1/12		
Doral	TBD		
El Portal	11/1/11		
Florida City	11/1/11		
Fort Lauderdale	6/1/12		
Golden Beach	11/1/11		
Hallandale Beach	6/1/12		
Hialeah	12/1/11		
Hialeah Gardens	12/1/11		Attended Scoping Meeting.
Hillsboro Beach	7/1/12		
Hollywood	7/1/12		
Homestead	1/1/12		
Indian Creek Village	1/1/12		
Islamorada	12/1/12		
Key Biscayne	2/1/12		
Key Colony Beach	8/1/12		
Key West	2/1/13		
Lauderdale-By-The-Sea	8/1/12		
Lauderdale Lakes	8/1/12		
Lauderhill	9/1/12		
Layton	9/1/12		
Lazy Lake	9/1/12		
Lighthouse Point	10/1/12		
Marathon	8/1/12		
Margate	10/1/12		
Medley	3/1/12		
Miami	3/1/12		Attended Scoping Meeting.

Local Government	EAR Due Date	EAR Adopted	Technical Assistance
Miami Beach	4/1/12		
Miami Gardens	12/1/12		
Miami Lakes	5/1/13		
Miami Shores	4/1/12		
Miami Springs	5/1/12		Attended Scoping Meeting.
Miami-Dade County	11/1/10	No	Attended Scoping Meeting; adopted EAR under review.
Miramar	11/1/12		
Monroe County	8/1/11		Attended Scoping Meeting.
North Bay Village	5/1/12		
North Lauderdale	11/1/12		
North Miami	6/1/12		
North Miami Beach	6/1/12		
Oakland Park	12/1/12		
Opa-locka	7/1/12		
Palmetto Bay	9/1/12		
Parkland	1/1/13		
Pembroke Park	1/1/13		
Pembroke Pines	2/1/13		
Pinecrest	8/1/12		
Plantation	2/1/13		
Pompano Beach	3/1/13		
Sea Ranch Lakes	4/1/13		
South Miami	9/1/12		
Southwest Ranches	6/1/13		
Sunny Isles Beach	10/1/12		
Sunrise	4/1/13		
Surfside	10/1/12		
Sweetwater	10/1/12		
Tamarac	5/1/13		
Virginia Gardens	11/1/12		
West Miami	12/1/12		
West Park	6/1/13		
Weston	5/1/13		
Wilton Manors	6/1/13		

Table Three
Local Governments that may be Restricted from Adopting Plan Amendments
(as of May 20, 2011)

Local Government	Amendment Type						
	School Siting Not Adopted	First Round EAR-Based Partially or Not Adopted	Second Round EAR Not Adopted With EAR Due Date	Second Round EAR-Based Not Adopted With Amendment Due Date	Public Education Facilities Element Not Adopted With Due Date	Water Supply Planning Not Adopted With Due Date	Annual Update to CIE Not Adopted With Due Date
Bal Harbour Village					(exempt)		12/1/2010
Bay Harbor Islands		X	2/1/2006				12/1/2010
Coconut Creek							12/1/2010
Dania Beach							12/1/2010
Doral						8/15/2008♣	12/1/2010
El Portal				9/11/2006	1/1/2008	8/15/2008	12/1/2010
Florida City						8/15/2008♣	12/1/2010
Fort Lauderdale							12/1/2010
Golden Beach					(exempt)		12/1/2010
Hialeah Gardens					1/1/2008		
Hollywood							12/1/2010
Hillsboro Beach					(exempt)		12/1/2010
Homestead				7/7/2009; not in compliance (10/22/09)		Not in Compliance (8/15/2008)	12/1/2010
Indian Creek Village							12/1/2010
Islamorada					4/1/2008 (waiver)		12/1/2010
Islandia					1/1/2008	8/15/2008	12/1/2010

Local Government	Amendment Type						
	School Siting Not Adopted	First Round EAR-Based Partially or Not Adopted	Second Round EAR Not Adopted With EAR Due Date	Second Round EAR-Based Not Adopted With Amendment Due Date	Public Education Facilities Element Not Adopted With Due Date	Water Supply Planning Not Adopted With Due Date	Annual Update to CIE Not Adopted With Due Date
Key Biscayne				4/24/2009 (ORC issued 5/21/10)		8/15/2008♣	12/1/2010
Key West		X		10/13/2008	4/1/08 (waiver)	8/15/2008	12/1/2010
Lauderdale By-The-Sea					2/1/2008		12/1/2010
Lauderdale Lakes				5/21/2009 (ORC issued 12/8/09)		8/15/2008♣	12/1/2010
Lauderhill				11/14/2008			12/1/2010
Layton					4/1/2008 (waiver)		12/1/2010
Lazy Lake	X		9/1/2005		2/1/2008	8/15/2008	12/1/2010
Lighthouse Point							12/1/2010
Marathon					4/1/2008 (waiver)	8/15/2008	
Miami							12/1/2010
Miami Beach		X (ORC)		6/7/09 (NOI to be issued 6/10/11)			12/1/2010
Miami Lakes				12/27/09			
Miami Springs							12/1/2010
Miramar							12/1/2010
Monroe County					4/1/2008 (waiver)		
North Bay Village							12/1/2010
North Lauderdale							12/1/2010
North Miami Beach				9/16/2007 (ORC issued 12/17/10)			

Local Government	Amendment Type						
	School Siting Not Adopted	First Round EAR-Based Partially or Not Adopted	Second Round EAR Not Adopted With EAR Due Date	Second Round EAR-Based Not Adopted With Amendment Due Date	Public Education Facilities Element Not Adopted With Due Date	Water Supply Planning Not Adopted With Due Date	Annual Update to CIE Not Adopted With Due Date
Opa-locka	X (11-1ER)	X (proposed amendment reviewed 4/4/11)		7/22/2011 (proposed amendment reviewed 4/4/11)	1/1/2008	8/15/2008♦	12/1/2010
Parkland							12/1/2010
Pinecrest				10/21/2007 (ORC issued 1/22/11)	1/1/2008	8/15/2008	12/1/2010
Pompano Beach							12/1/2010
Sea Ranch Lakes	X		4/1/2006		(exempt)	8/15/2008	12/1/2010
Southwest Ranches							12/1/2010
South Miami					1/1/2008	8/15/2008	12/1/2010
Sunny Isles Beach							12/1/2010
Sweetwater	X (09-1ER proposed)	X (ORC)		10/24/2008; (ORC issued 3/23/2009)	1/1/2008	8/15/2008	12/1/2010
Tamarac							12/1/2010
Virginia Gardens							12/1/2010
West Miami						8/15/2008	12/1/2010

*revised adopted EAR submitted for review

ORC, Objections, Recommendation, and Comments Report on the proposed amendment

♦, amendment review for water supply planning in ORC/NOI process

\$, amendment review for capital improvement annual update in ORC/NOI process