



MEMORANDUM

AGENDA ITEM #8e

DATE: OCTOBER 4, 2010

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 was adopted and determines how the Plan should be updated to reflect new legislation.

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 the EAR being found sufficient, local governments cannot adopt Comprehensive Plan amendments until the EAR-based amendments are adopted. **Table One provides the status of local governments with EARs that have been found sufficient, including the status of any proposed or adopted EAR-based amendments.**

When EARs are found not sufficient, a local government may amend its Comprehensive Plan for a period of one year from the date the EAR was found to be not sufficient. After this time period, the local government is prohibited from amending its Comprehensive Plan until such time as the EAR has been found sufficient. Council staff is contacting all local governments in the Region whose EAR has not been adopted or has been found not sufficient to offer technical assistance in resolving outstanding EAR issues. **Table Two provides the status for local governments that have not adopted or have received a finding of not sufficient for their EAR.** Included in the table is a brief summary of technical assistance efforts provided to the local government.

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: second round EAR Reports, first or 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 September 21, 2010)

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
Biscayne Park	3/1/06	11/25/08	5/25/10	proposed amendment reviewed at 6/7/10 Council meeting; ORC issued 7/1/10
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; NOI issued 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
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, except for some GOPs related to working waterfronts
Miami Beach	4/1/05	12/7/07	6/7/09	
Miami Lakes	5/1/06	6/27/08	10/27/09	

Local Government	EAR Due Date	EAR Sufficiency Finding and Date	EAR Based Amendment Due	EAR Based Amendment Status
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	proposed amendment reviewed at 1/4/10 Council Meeting; ORC issued 2/1/10
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 *	
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	
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	
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; NOI issued 4/1/10
South Miami	9/1/05	5/19/06	11/19/07	adopted 4/6/10; NOI issued 6/3/10
Southwest Ranches	6/1/06	4/11/08	10/11/09	adopted 12/3/09; NOI issued 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	proposed amendment reviewed at 10/5/09; ORC issued 11/20/09
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 amendment reviewed at 8/2/10; NOI to be issued

* 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

Table Two
Status of Second Round EAR Activities, EAR Not Adopted or EAR Process Not Complete
(as of September 21, 2010)

Local Government	EAR Due Date	EAR Adopted	EAR Not Sufficient Finding and Date	Technical Assistance Efforts
Bay Harbor Island	2/1/06	No		coordinated with consultant, offered technical assistance
Lazy Lake	9/1/05	No		discussed status with City Attorney; offered technical assistance
Sea Ranch Lakes	4/1/06	No		discussed EAR alternatives with DCA due to size of city

¹ Revised EAR submitted to resolve insufficiency issues

Table Three
Local Governments that may be Restricted from Adopting Plan Amendments
(as of September 21, 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	EAR More Than One Year Not Sufficient With Not Sufficient Finding 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		X				(exempt)		12/1/2009
Bay Harbor Islands		X	2/1/2006					12/1/2009
Biscayne Park	X	X		5/25/10 (proposed amendment reviewed 6/7/10)		(exempt)		12/1/2009
Coconut Creek								12/1/2009
Dania Beach							Not in Compliance 8/15/2008♦	
Doral							8/15/2008♦	
El Portal				9/11/2006		1/1/2008	8/15/2008	12/1/2009
Florida City							8/15/2008♦	
Fort Lauderdale								12/1/2009
Hallandale Beach								12/1/2009
Hialeah						1/1/2008		
Hialeah Gardens						1/1/2008		
Hillsboro Beach						(exempt)		12/1/2009
Homestead				7/7/2009; not in compliance (10/22/09)			Not in Compliance (8/15/2008)	12/1/2009
Indian Creek Village								12/1/2009
Islamorada						4/1/2008 (waiver)		12/1/2009\$

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	EAR More Than One Year Not Sufficient With Not Sufficient Finding 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
Islandia						1/1/2008	8/15/2008	12/1/2009
Key Biscayne				4/24/2009			8/15/2008♦	12/1/2009
Key Colony Beach						4/1/2008 (waiver)		
Key West		X		10/13/2008		4/1/08 (waiver)	8/15/2008	12/1/2009
Lauderdale By-The-Sea						2/1/2008		12/1/2009
Lauderdale Lakes				5/21/2009 ORC issued 12/8/09			8/15/2008♦	12/1/2009
Lauderhill				11/14/2008				12/1/2009
Layton						4/1/2008 (waiver)		12/1/2009
Lazy Lake	X		9/1/2005			2/1/2008	8/15/2008	12/1/2009
Marathon						4/1/2008 (waiver)	8/15/2008	
Miami								12/1/2009
Miami Beach		X		6/7/09			8/15/2008♦	12/1/2009
Miami Lakes				12/27/09	12/19/2007		8/15/2008♦	12/1/2009
Miramar				1/30/10 (adopted under review)				12/1/2009
Monroe County						4/1/2008 (waiver)		12/1/2009
North Bay Village								12/1/2009

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	EAR More Than One Year Not Sufficient With Not Sufficient Finding 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
North Lauderdale								12/1/2009
North Miami Beach				9/16/2007				12/1/2009
Opa-Locka	X	X		7/22/2011		1/1/2008	8/15/2008	12/1/2009
Palmetto Bay								12/1/2009
Pinecrest				10/21/2007		1/1/2008	8/15/2008	12/1/2009
Pompano Beach								12/1/2009
Sea Ranch Lakes	X		4/1/2006			(exempt)	8/15/2008	12/1/2009
South Miami						1/1/2008	8/15/2008	12/1/2009
Southwest Ranches								12/1/2009
Sweetwater	X (09-1ER proposed)	X (ORC)		10/24/2008; ORC issued 3/23/2009		1/1/2008	8/15/2008	12/1/2009
Tamarac								12/1/2009
West Miami							8/15/2008	12/1/2009
Wilton Manors				11/06/2009; ORC issued 12/19/09				

*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

(), local government has timely submitted EAR-based amendments for review