



MEMORANDUM

AGENDA ITEM #8e

DATE: FEBRUARY 7, 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 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 January 18, 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
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; 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
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	proposed amendment reviewed at 10/4/10 Council meeting; ORC issued 11/19/10

Local Government	EAR Due Date	EAR Sufficiency Finding and Date	EAR Based Amendment Due	EAR Based Amendment Status
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	
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; in compliance 4/1/10
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

Table Two
Status of Second Round EAR Activities, EAR Not Adopted or EAR Process Not Complete
(as of January 18, 2011)

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 January 18, 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	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						(exempt)		12/1/2010
Bay Harbor Islands		X	2/1/2006					12/1/2010
Biscayne Park	X			5/25/10 (ORC issued 7/2/10)		(exempt)		
Coconut Creek								12/1/2010
Cooper City								12/1/2010
Coral Gables								12/1/2010
Coral Springs								12/1/2010
Cutler Bay								12/1/2010
Dania Beach								12/1/2010
Deerfield 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								12/1/2010
Hialeah						1/1/2008		12/1/2010
Hialeah Gardens						1/1/2008		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	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
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
Key Biscayne				4/24/2009 (ORC issued 5/21/10)			8/15/2008◆	12/1/2010
Key Colony Beach						4/1/2008 (waiver)		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	12/1/2010
Margate								12/1/2010

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Miami								12/1/2010
Miami-Dade County								12/1/2010
Miami Beach		X (ORC)		6/7/09 (ORC issued 11/19/10)			8/15/2008◆	12/1/2010
Miami Lakes				12/27/09	12/19/2007		8/15/2008◆	12/1/2010
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								12/1/2010
North Miami Beach				9/16/2007 (ORC issued 12/17/10)				
Oakland Park								12/1/2010
Opa-Locka	X	X		7/22/2011		1/1/2008	8/15/2008	12/1/2010
Palmetto Bay								12/1/2010
Parkland								12/1/2010
Pembroke Park								12/1/2010
Pembroke Pines								12/1/2010
Pinecrest				10/21/2007 (proposed amendment reviewed 12/6/10)		1/1/2008	8/15/2008	12/1/2010

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	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
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
Wilton Manors								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