



MEMORANDUM

AGENDA ITEM #8e

DATE: OCTOBER 5, 2009

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 16, 2009)

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	
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	proposed amendment reviewed at 8/3/09 Council meeting; ORC issued 9/15/09
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; NOI issued 4/15/09
Davie	5/1/05	7/11/06	7/11/08*	adopted amendment reviewed at 9/14/09 Council meeting; NOI to be issued
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 amendment under review (for 10/5/09 Council meeting)
Hallandale Beach	6/1/05	11/28/06	5/28/08	proposed amendment reviewed at 2/2/09 Council meeting; ORC issued 2/20/09
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	proposed amendment reviewed at 4/6/09 Council meeting; ORC issued 4/24/09
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 amendment reviewed at 9/14/09 Council meeting; NOI to be issued
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	
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	
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	proposed amendment reviewed at 8/3/09 Council Meeting; ORC due 9/26/09
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

Local Government	EAR Due Date	EAR Sufficiency Finding and Date	EAR Based Amendment Due	EAR Based Amendment Status
Miami Beach	4/1/05	12/7/07	6/7/09	
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	proposed amendment reviewed at 11/5/07 Council Meeting; ORC issued 11/21/07
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	
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
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 *	proposed amendment reviewed at 7/24/09 Council meeting; ORC due 9/25/09
South Miami	9/1/05	5/19/06	11/19/07	proposed amendment reviewed at 12/3/07 Council meeting; ORC issued 1/18/08
Southwest Ranches	6/1/06	4/11/08	10/11/09	proposed amendment reviewed at 9/14/09 Council meeting; ORC due 10/12/09
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 *	proposed amendment reviewed at 4/6/09 Council meeting; ORC issued 5/1/09
Surfside	10/0/05	7/29/08	11/29/09	
Sweetwater	11/1/05	4/24/07	10/24/08	proposed amendments 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 amendment reviewed at 9/14/09 Council meeting; NOI to be issued
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	

* 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 16, 2009)

Local Government	EAR Due Date	EAR Adopted	EAR Not Sufficient Finding and Date	Technical Assistance Efforts
Bal Harbour	1/1/06	No		discussed status with City Attorney; offered technical assistance
Bay Harbor Islands	2/1/06	No		coordinated with consultant, offered technical assistance
Lazy Lake	9/1/05	No		discussed status with City Attorney; offered technical assistance
Opa-Locka	7/1/05	Yes	3/5/09	Council staff met with the City and its consultant to discuss issues on 3/9/09 and 8/5/09; City scheduled to adopt revised EAR in September, 2009.
Pembroke Park	1/1/06	No		coordinated with consultant, offered technical assistance; draft EAR to be completed soon
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 16, 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 CIP Not Adopted With Due Date
Bal Harbour Village			1/1/2006					12/1/2008
Bay Harbor Islands		X	2/1/2006					12/1/2008
Biscayne Park	X	X					8/15/2008♣	12/1/2008
Coconut Creek						(exempt)		12/1/2008
Coral Gables				3/7/2009; ORC issued 9/15/09			8/15/2008♣	12/1/2008
Coral Springs							Not in Compliance 8/15/2008♣	
Cutler Bay						1/1/2008		
Dania Beach							Not in Compliance 8/15/2008♣	
Davie				7/11/2008; ORC issued 5/4/09			8/15/2008♣	
Deerfield Beach							8/15/2008♣	
Doral							8/15/2008♣	12/1/2008
El Portal				9/11/2006		1/1/2008	8/15/2008	12/1/2008
Florida City							8/15/2008	12/1/2008
Golden Beach				2/26/2007; adopted amendments under review			8/15/2008♣	12/1/2008
Hallandale Beach				11/28/2008; ORC issued 2/20/2009				
Hialeah						1/1/2008		12/1/2008
Hialeah Gardens						1/1/2008	8/15/2008	12/1/2008

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
Hillsboro Beach	X			4/11/2007; ORC issued 4/24/09		(exempt)	8/15/2008♣	12/1/2008
Homestead				7/7/2009; ORC issued 11/10/2008			Not in Compliance (8/15/2008)	12/1/2008
Indian Creek Village								12/1/2008
Islamorada						4/1/2008 (waiver)		
Islandia						1/1/2008	8/15/2008	12/1/2008
Key Biscayne				4/29/2009			8/15/2008	12/1/2008
Key Colony Beach						4/1/2008 (waiver)		
Key West		X		10/13/2008		4/1/08 (waiver)	8/15/2008	12/1/2008
Lauderdale By-The-Sea						2/1/2008		12/1/2008
Lauderdale Lakes				5/21/2009			8/15/2008	12/1/2008
Lauderhill				11/14/2008				
Layton						4/1/2008 (waiver)		
Lazy Lake	X		9/1/2005			2/1/2008	8/15/2008	12/1/2008
Marathon						4/1/2008 (waiver)	8/15/2008	12/1/2008
Margate				3/14/2009; ORC due 9/26/09				12/1/2008
Miami				8/17/2008; adopted 11/13/2008; compliant, except GOPs RE: working waterfronts			8/15/2008	

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Miami Beach		X		6/7/09			8/15/2008	12/1/2008
Miami Gardens							8/15/2008♦	
Miami Lakes					12/19/2007		8/15/2008♦	12/1/2008
Miami Springs	X			1/17/2009; adopted amendments under review		1/1/2008	8/15/2008♦	12/1/2008
Miami-Dade County								
Monroe County						4/1/2008 (waiver)		Not in Compliance (4/3/09)
North Bay Village								12/1/2008
North Lauderdale								12/1/2008
North Miami							8/15/2008♦	
North Miami Beach				9/16/2007				12/1/2008
Oakland Park								12/1/2008
Opa-Locka	X	X	7/1/2005; adopted EAR Not Sufficient 3/5/09			1/1/2008	8/15/2008	12/1/2008
Palmetto Bay								12/1/2008
Pembroke Park			1/1/2006					
Pinecrest				10/21/2007		1/1/2008	8/15/2008	12/1/2008
Pompano Beach			9/9/09; ORC due 9/25/09					
Sea Ranch Lakes	X		4/1/2006			(exempt)	8/15/2008	12/1/2008
South Miami				11/19/2007: ORC issued 1/18/2008		1/1/2008	8/15/2008	12/1/2008

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
Sunny Isles Beach							8/15/2008	12/1/2008
Sweetwater	X	X (ORC)		10/24/2008; ORC issued 3/23/2009		1/1/2008	8/15/2008	12/1/2008
Tamarac							8/15/2008◆	12/1/2008
Virginia Gardens				12/8/2008; ORC issued 5/1/2009		(exempt)	8/15/2008◆	12/1/2008
West Miami							8/15/2008	

*revised adopted EAR submitted for review

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

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

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