



MEMORANDUM

AGENDA ITEM #8e

DATE: DECEMBER 1, 2008

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 EARs have not been adopted or have 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 EARs 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 imposed penalties if local governments did not adopt certain amendments or EAR-based requirements on time. The requirements include 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
EAR Sufficiency and EAR-Based Amendment Status
(as of October 17, 2008)

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
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	
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	proposed amendment reviewed at 9/8/08 Council Meeting; ORC Report issued 9/26/08
Davie	5/1/05	7/11/06	7/11/08*	
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	
Hallandale Beach	6/1/05	11/28/06	5/28/08	
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	
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	proposed amendment reviewed at 10/6/08 Council Meeting; ORC Report issued 11/10/08
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	proposed amendment reviewed at 11/3/08 Council Meeting
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*	
Margate	10/1/05	9/14/07	3/14/09	
Medley	3/1/05	3/13/07	9/13/08	proposed amendment reviewed at 9/8/08 Council Meeting; ORC Report issued 10/21/08
Miami	3/1/05	2/17/06	8/17/08*#	adopted amendment under review (12/1/08 Council Meeting)
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	proposed amendment reviewed at 11/5/07 Council Meeting; ORC Report 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*	
South Miami	9/1/05	5/19/06	11/19/07	proposed amendment reviewed at 12/3/07 Council Meeting; ORC Report issued 1/18/08
Southwest Ranches	6/1/06	4/11/08	10/11/09	
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*	
Surfside	10/0/05	7/29/08	11/29/09	
Sweetwater	11/1/05	4/24/07	10/24/08	
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	
West Miami	12/1/05	12/20/06	6/20/08	adopted amendment under review (12/1/08 Council Meeting)
Weston	5/1/06	7/17/07	1/17/09	proposed amendment reviewed at 10/6/08 Council Meeting; ORC Report issued 11/17/08
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 EAR Activities, EAR Not Adopted or EAR Process Not Complete
(as of October 17, 2008)

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
Biscayne Park	3/1/06	Yes		<i>adopted EAR under review</i>
Lazy Lake	9/1/05	No		discussed status with City Attorney; offered technical assistance
Opa-Locka	7/1/05	No		proposed EAR submitted; staff comments were issued 2/28/08 and sufficiency report determined the EAR is not yet sufficient for adoption; staff has met and been in contact with City planners and consultants to correct insufficiency prior to adoption
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 October 17, 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
Aventura							8/15/2008
Bal Harbour Village			1/1/06			1/1/2008	8/15/2008
Bay Harbor Islands		X	2/1/06				8/15/2008
Biscayne Park	X	X	3/1/06; adopted EAR under review	Amendment Type			8/15/2008
Coconut Creek							8/15/2008♦
Cooper City							8/15/2008♦
Coral Gables							8/15/2008
Coral Springs							8/15/2008♦
Cutler Bay						1/1/2008	8/15/2008♦
Dania Beach							8/15/2008♦
Davie				7/11/08			8/15/2008
Deerfield Beach							8/15/2008
Doral						1/1/2008	8/15/2008
El Portal				9/11/06		1/1/2008	8/15/2008
Florida City						1/1/2008	8/15/2008
Fort Lauderdale							8/15/2008♦
Golden Beach				2/26/07		1/1/2008	8/15/2008
Hallandale Beach				5/28/08			
Local	Amendment Type						

Government	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
Hialeah						1/1/2008	8/15/2008♣
Hialeah Gardens						1/1/2008	8/15/2008
Hillsboro Beach	X			4/11/2007		2/1/2008	8/15/2008
Hollywood							8/15/2008♣
Homestead				7/7/09; ORC issued 11/10/08			8/15/2008♣
Indian Creek Village							8/15/2008♣
Islamorada				5/30/09; proposed amendment reviewed 11/3/08; ORC due 12/14/08		4/1/2008	8/15/2008
Islandia						1/1/2008	8/15/2008
Key Biscayne						1/1/2008	8/15/2008
Key Colony Beach						4/1/2008	8/15/2008♣
Key West		X		10/13/08		4/1/08	8/15/2008
Lauderdale By-The-Sea						2/1/2008	
Lauderdale Lakes							8/15/2008
Lauderhill							8/15/2008♣
Layton						4/1/2008	8/15/2008♣
Lazy Lake	X		9/1/2005			2/1/2008	8/15/2008
Local	Amendment Type						

Government	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
Lighthouse Point				7/31/08			8/15/2008
Marathon						4/1/2008	8/15/2008
Margate						2/1/2008	8/15/2008◆
Medley	X			9/13/08; ORC issued 10/21/08		1/1/2008	8/15/2008◆
Miami				8/17/08; adopted amendment under review			8/15/2008
Miami Beach		X					8/15/2008
Miami Gardens							8/15/2008
Miami Lakes					12/19/2007	1/1/2008	8/15/2008
Miami Shores							
Miami Springs	X			7/17/09; ORC issued 11/21/07		1/1/2008	8/15/2008◆
Miami-Dade County						1/1/2008	
Miramar							8/15/2008◆
Monroe County						4/1/2008	8/15/2008
North Bay Village						1/1/2008	8/15/2008◆
North Lauderdale						2/1/2008	
North Miami						1/1/2008	8/15/2008
North Miami Beach				9/16/07			8/15/2008◆
Local	Amendment Type						

Government	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
Oakland Park							8/15/2008♣
Opa-Locka	X	X	7/1/05; comments issued 2/28/08 on Proposed EAR			1/1/2008	8/15/2008
Palmetto Bay						1/1/2008	8/15/2008
Parkland							8/15/2008♣
Pembroke Park			1/1/2006				8/15/2008♣
Pembroke Pines							8/15/2008♣
Pinecrest				10/21/07		1/1/2008	8/15/2008
Plantation							8/15/2008♣
Pompano Beach							8/15/2008♣
Sea Ranch Lakes	X		4/1/2006				8/15/2008
South Miami				11/19/07: ORC issued 1/18/08		1/1/2008	8/15/2008
Southwest Ranches							8/15/2008♣
Sunny Isles Beach						1/1/2008	8/15/2008
Surfside			10/1/2005				8/15/2008♣
Sweetwater	X	X				1/1/2008	8/15/2008
Tamarac							8/15/2008
Virginia Gardens							8/15/2008
Local	Amendment Type						

Government	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
West Miami		X		5/20/08; adopted amendment under review		1/1/2008	8/15/2008
West Park						2/1/2008	8/15/2008◆
Weston				1/17/09; ORC issued 11/17/08			8/15/2008◆
Wilton Manors							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

◆, amendments for water supply planning submitted for review

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