



MEMORANDUM

AGENDA ITEM #8e

DATE: JULY 7, 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 that, as of this date, are not permitted to adopt comprehensive plan amendments for one or more reasons. Most of the restrictions on plan amendments are the result of the 2005 Growth Management Legislation. The Florida Legislature has imposed penalties (generally no plan amendments) if local governments did not adopt certain amendments or EAR-based requirements on time. The requirements include school siting amendments, second round EAR Reports, first or second round EAR-based amendments, Public Education Facilities Element amendments, and annual updates to the Capital Improvements Element.

Recommendation

Information only.

Table One
EAR Sufficiency and EAR-Based Amendment Status

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*	proposed amendment reviewed at 1/7/08 Council Meeting; ORC Report issued 2/1/08
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	proposed amendment reviewed at 4/7/08 Council Meeting; ORC Report issued 5/2/08
Dania Beach	4/1/05	4/30/08	10/30/08	
Davie	5/1/05	7/11/06	7/1/08*	
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 amendment reviewed at 7/7/08 Council Meeting; DCA to issue compliance decision by 7/23/08
Golden Beach	11/1/04	8/26/05	2/26/07	offered technical assistance to consultant
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
Indian Creek Village	1/1/05	3/11/05	9/11/06	adopted 12/19/05; in compliance 2/6/06
Homestead	1/1/05	1/7/08	7/7/09	
Islamorada	12/1/05	11/30/07	5/30/09	
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	proposed amendment reviewed at 3/3/08 Council Meeting; ORC Report issued 3/22/08
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	
Miami	3/1/05	2/17/06	8/17/08*#	
Miami Beach	4/1/05	12/7/07	6/7/09	
Miami Shores	4/1/05	9/2/05	9/2/07*	proposed amendment reviewed at 2/4/08 Council Meeting; ORC Report issued 4/12/08

Local Government	EAR Due Date	EAR Sufficiency Finding and Date	EAR Based Amendment Due	EAR Based Amendment Status
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 amendment reviewed at 1/7/08 Council Meeting; ORC Report issued 2/8/08
North Miami	6/1/05	12/21/05	12/21/07*	adopted amendment reviewed at 2/4/08 Council Meeting
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	proposed amendment reviewed at 1/7/08 Council Meeting; ORC Report issued 1/18/08
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 amendment reviewed at 2/4/08 Council Meeting
Sunrise	4/1/06	4/9/07	4/9/09*	
Sweetwater	11/1/05	4/24/07	10/24/08	
Tamarac	5/1/06	6/23/06	6/23/08	proposed amendment reviewed at 1/7/08 Council Meeting; ORC Report issued 1/20/08
Virginia Gardens	11/1/05	6/8/07	12/8/08	
West Miami	12/1/05	12/20/06	6/20/08	proposed amendment withdrawn from 3/3/08 Council Meeting
Weston	5/1/06	7/17/07	1/17/09	

* 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

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 on 10/5/07; offered technical assistance
Bay Harbor Islands	2/1/06	No		coordinated with consultant, offered technical assistance
Biscayne Park	3/1/06	No	5/9/08	proposed EAR submitted; sufficiency report determined the EAR is not yet sufficient for adoption, staff offered assistance
Lazy Lake	9/1/05	No		discussed status with City Attorney; offered technical assistance
Miami Lakes	5/1/06	Yes	12/19/07 (7/29/08) ^{1,2}	revised adopted EAR reviewed by staff and found generally consistent with the SRPP
Opa-Locka	7/1/05	No		comments issued 2/28/08 on proposed EAR; staff continues to provide technical assistance for adopted phase
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
Surfside	10/0/05	Yes	(6/9/08)	revised adopted EAR under review
Wilton Manors	6/1/06	Yes	10/06/06 (5/29/08) ^{1,2}	revised adopted EAR under review

¹ Projected EAR sufficiency decision date

² Revised EAR submitted to resolve insufficiency issues

Table Three
Local Governments Restricted From Adopting Plan Amendments

Local Government	School Siting Amendment Not Adopted	First Round EAR-Based Amendment Not Adopted or Partially Adopted	Second Round EAR Not Adopted With EAR Due Date	Second Round EAR-Based Amendment Not Adopted With Amendment Due Date	EAR More Than One Year Not Sufficient With Not Sufficient Finding Date	Public Education Facilities Element and Related ICE and CIE Amendments Not Adopted With Due Date
Aventura						1/1/08
Bal Harbour			1/1/06			1/1/08
Bay Harbor Islands		X	2/1/06			1/1/08
Biscayne Park	X	X	3/1/06; Proposed EAR reviewed 5/9/08; Sufficiency Report found not sufficient.			1/1/08
Coconut Creek				12/21/07		2/1/08
Cooper City						2/1/08
Cutler Bay						1/1/08
Dania Beach	X	ORC Report issued 10/4/01 for Amendment #01-1ER				
Davie						2/1/08
Deerfield Beach						2/1/08
Doral						1/1/08
El Portal				9/11/06		1/1/08
Florida City						1/1/08
Fort Lauderdale				3/24/08; adopted amendment reviewed at 7/7/08 Council Meeting		2/1/08
Golden Beach				2/26/07		1/1/08
Hallandale Beach						2/1/08
Hialeah						1/1/08

Local Government	School Siting Amendment Not Adopted	First Round EAR-Based Amendment Not Adopted or Partially Adopted	Second Round EAR Not Adopted With EAR Due Date	Second Round EAR-Based Amendment Not Adopted With Amendment Due Date	EAR More Than One Year Not Sufficient With Not Sufficient Finding Date	Public Education Facilities Element and Related ICE and CIE Amendments Not Adopted With Due Date
Hialeah Gardens						1/1/08
Hillsboro Beach	X			4/11/07		2/1/08
Hollywood						2/1/08
Homestead					10/14/05; revised EAR under review	1/1/08
Indian Creek Village						1/1/08
Islandia						1/1/08
Islamorada						4/1/08
Key Biscayne						1/1/08
Key Colony Beach						4/1/08
Key West		X				4/1/08
Lauderdale By-The-Sea				1/7/08; proposed amendment reviewed at 3/3/08 Council Meeting; ORC Report issued 3/22/08		2/1/08
Lauderdale Lakes						2/1/08
Layton						4/1/08
Lazy Lake	X		9/1/05			2/1/08
Lighthouse Point				1/31/08		2/1/08
Marathon						4/1/08
Margate						2/1/08
Medley	X				10/21/05*	1/1/08
Miami Beach		X				
Miami Gardens						1/1/08
Miami Lakes					12/19/07	1/1/08

Local Government	School Siting Amendment Not Adopted	First Round EAR-Based Amendment Not Adopted or Partially Adopted	Second Round EAR Not Adopted With EAR Due Date	Second Round EAR-Based Amendment Not Adopted With Amendment Due Date	EAR More Than One Year Not Sufficient With Not Sufficient Finding Date	Public Education Facilities Element and Related ICE and CIE Amendments Not Adopted With Due Date
Miami Shores				9/2/07 ORC Report issued 4/11/08		1/1/08
Miami Springs	proposed amendment reviewed at 9/11/06 Council Meeting; ORC issued 10/27/06			proposed amendment reviewed at 11/5/07 Council Meeting; ORC Report issued 11/21/07		1/1/08
Miami-Dade County						1/1/08
Monroe County						4/1/08
North Bay Village						1/1/08
North Lauderdale				ORC Issued 2/8/08; proposed amendments currently under review		2/1/08
North Miami						1/1/08
North Miami Beach				9/16/07		1/1/08
Oakland Park						2/1/08
Opa-Locka	X	X	7/1/05; comments issued 2/28/08 on Proposed EAR			1/1/08
Parkland						2/1/08
Pembroke Park			1/1/06			2/1/08
Pinecrest				10/21/07		1/1/08
Plantation						2/1/08

Local Government	School Siting Amendment Not Adopted	First Round EAR-Based Amendment Not Adopted or Partially Adopted	Second Round EAR Not Adopted With EAR Due Date	Second Round EAR-Based Amendment Not Adopted With Amendment Due Date	EAR More Than One Year Not Sufficient With Not Sufficient Finding Date	Public Education Facilities Element and Related ICE and CIE Amendments Not Adopted With Due Date
Pompano Beach						2/1/08
Sea Ranch Lakes	X		4/1/06			2/1/08
South Miami				11/19/07: proposed amendment reviewed at 12/3/07 Council Meeting; ORC Report issued 1/18/08		1/1/08
Southwest Ranches						2/1/08
Sunny Isles Beach						1/1/08
Surfside			10/1/05			1/1/08
Sweetwater	amendment proposed in 1997	X				1/1/08
Tamarac						2/1/08
Virginia Gardens						1/1/08
West Miami		X				1/1/08
West Park						2/1/08
Weston						2/1/08
Wilton Manors					10/6/06; revised adopted EAR under review; sufficiency finding to be issued 5/9/08	2/1/08

*revised adopted EAR submitted for review

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