



# MEMORANDUM

AGENDA ITEM #8e

DATE: OCTOBER 6, 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 at risk for or 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 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**

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
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 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 currently under review (Council Meeting 10/6/08)
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	
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	proposed amendment reviewed at 9/8/08 Council Meeting
Miami	3/1/05	2/17/06	8/17/08*#	proposed amendment reviewed at 6/2/08 Council Meeting; ORC Report issued 7/18/08
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

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 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 amendment currently under review (Council Meeting 10/6/08)
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	proposed amendment reviewed at 6/2/08 Council Meeting; ORC Report issued 6/27/08
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; offered technical assistance
Bay Harbor Islands	2/1/06	No		coordinated with consultant, offered technical assistance
Biscayne Park	3/1/06	No		proposed EAR submitted; staff comments were issued 5/9/08 and sufficiency report determined the EAR is not yet sufficient for adoption; staff has been in contact with City planning consultants to correct insufficiency prior to adoption
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
Wilton Manors	6/1/06	Yes	10/06/06 3/3/08 <sup>1</sup>	reviewed by staff and found generally consistent with the SRPP

<sup>1</sup> Revised EAR submitted to resolve insufficiency issues

**Table Three**  
**Local Governments that may be Restricted from Adopting Plan Amendments**

<b>Local Government</b>	<b>Amendment Type</b>						
	<b>School Siting Not Adopted</b>	<b>First Round EAR-Based Partially or Not Adopted</b>	<b>Second Round EAR Not Adopted With EAR Due Date</b>	<b>Second Round EAR-Based Not Adopted With Amendment Due Date</b>	<b>EAR More Than One Year Not Sufficient With Not Sufficient Finding Date</b>	<b>Public Education Facilities Element Not Adopted With Due Date</b>	<b>Water Supply Planning Not Adopted With Due Date</b>
Bal Harbour Village	X		1/1/2006			1/1/2008	8/15/2008
Bay Harbor Islands		X	2/1/2006			1/1/2008	8/15/2008
Biscayne Park	X	X	3/1/06; proposed EAR reviewed 5/9/08; Sufficiency Report found not sufficient.			1/1/2008	8/15/2008
Broward County							8/15/2008♦
Coconut Creek							8/15/2008♦
Coral Gables							8/15/2008
Cutler Bay	X					1/1/2008	8/15/2008♦
Dania Beach	X						8/15/2008♦
Davie							8/15/2008
Doral	X					1/1/2008	8/15/2008
El Portal				9/11/2006		1/1/2008	8/15/2008
Florida City						1/1/2008	8/15/2008
Fort Lauderdale							8/15/2008♦
Golden Beach				2/26/2007		1/1/2008	8/15/2008
Hallandale Beach						2/1/2008	8/15/2008♦
Hialeah						1/1/2008	8/15/2008

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
Hialeah Gardens						1/1/2008	8/15/2008
Hillsboro Beach	X			4/11/2007		2/1/2008	8/15/2008
Hollywood						2/1/2008	8/15/2008♦
Homestead				<i>proposed amendment under review</i>			8/15/2008♦
Indian Creek Village						1/1/2008	8/15/2008
Islamorada						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				4/1/08	8/15/2008
Lauderdale By-The-Sea				1/7/08; proposed amendment reviewed at 3/3/08 Council Meeting; ORC Report issued 3/22/08		2/1/2008	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
Lighthouse Point				1/31/2008		2/1/2008	8/15/2008

Local Government	Amendment Type						
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Marathon						4/1/2008	8/15/2008
Margate						2/1/2008	8/15/2008♣
Medley	X				10/21/05*	1/1/2008	8/15/2008♣
Miami							8/15/2008
Miami Beach		X					8/15/2008
Miami Gardens						1/1/2008	8/15/2008
Miami Lakes					12/19/2007	1/1/2008	8/15/2008
Miami Shores				9/2/07; ORC Report issued 4/11/08		1/1/2008	8/15/2008
Miami Springs	X			7/17/09; ORC Report issued 11/21/07		1/1/2008	8/15/2008♣
Miami-Dade County	X					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	8/15/2008
North Miami						1/1/2008	8/15/2008
North Miami Beach				9/16/2007		1/1/2008	8/15/2008
Oakland Park						2/1/2008	8/15/2008♣
Opa-Locka	X	X	7/1/05; comments issued 2/28/08 on Proposed EAR			1/1/2008	8/15/2008

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
Palmetto Bay						1/1/2008	8/15/2008
Parkland				5/17/2008			8/15/2008
Pembroke Park			1/1/2006			2/1/2008	8/15/2008
Pembroke Pines							8/15/2008♦
Pinecrest				10/21/2007		1/1/2008	8/15/2008
Plantation						2/1/2008	8/15/2008♦
Pompano Beach							8/15/2008♦
Sea Ranch Lakes	X		4/1/2006			2/1/2008	8/15/2008
South Miami				11/19/07: proposed amendment reviewed at 12/3/07 Council Meeting; ORC Report issued 1/18/08		1/1/2008	8/15/2008
Southwest Ranches							8/15/2008♦
Sunny Isles Beach						1/1/2008	8/15/2008
Sunrise							8/15/2008♦
Surfside			10/1/2005			1/1/2008	8/15/2008♦
Sweetwater	amendment proposed in 1997	X				1/1/2008	8/15/2008
Virginia Gardens	X					1/1/2008	8/15/2008
West Miami		X		proposed amendment reviewed 6/2/08		1/1/2008	8/15/2008



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
West Park	X					2/1/2008	8/15/2008♦
Weston				<i>proposed amendment under review</i>			8/15/2008♦
Wilton Manors						2/1/2008	8/15/2008

\*revised adopted EAR submitted for review

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♦ proposed amendments for water supply planning submitted for review