



# GROWTH MANAGEMENT LEGISLATION

## 2011 LEGISLATIVE SESSION – SCHOOL CONCURRENCY

School Board Presentation August 31, 2011

# School Concurrency Regulations History

1998

**Optional Implementation of Public School Concurrency**

Florida Legislature Established Specific Minimum Requirements



2001/2002

**1<sup>st</sup> County in Florida to Officially Adopt School Concurrency**

The School Board, The PBC Board of County Commissioners and 26 Municipalities entered into Inter-Local Agreement



2005

**Mandatory Implementation of Public School Concurrency**

State Senate Bill 360 Required all Counties within the State to adopt a School Concurrency program by December 2008



**Inter-local Agreement expired**

2011

Valid for 10 years

**Optional Implementation of School Concurrency**

House Bill 7207 made School Concurrency optional again

# INTERLOCAL AGREEMENT - 2001

- ◆ ***LOS Definition***
- ◆ ***Responsibilities of Each Party***
- ◆ ***Infrastructure Responsibility***
- ◆ ***Capital Planning Process and Milestone Dates***
- ◆ ***How Student Enrollment Projections are Prepared***
- ◆ ***Mitigation***
- ◆ ***Site Plan Review Process (per FS 1013 or alternate)***
- ◆ ***Other Statutory Requirements***

# Level of Service Definition

- “Level of Service” means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

# ADOPTING LEVEL OF SERVICE (LOS) FOR SCHOOLS

*Student  
Enrollment*

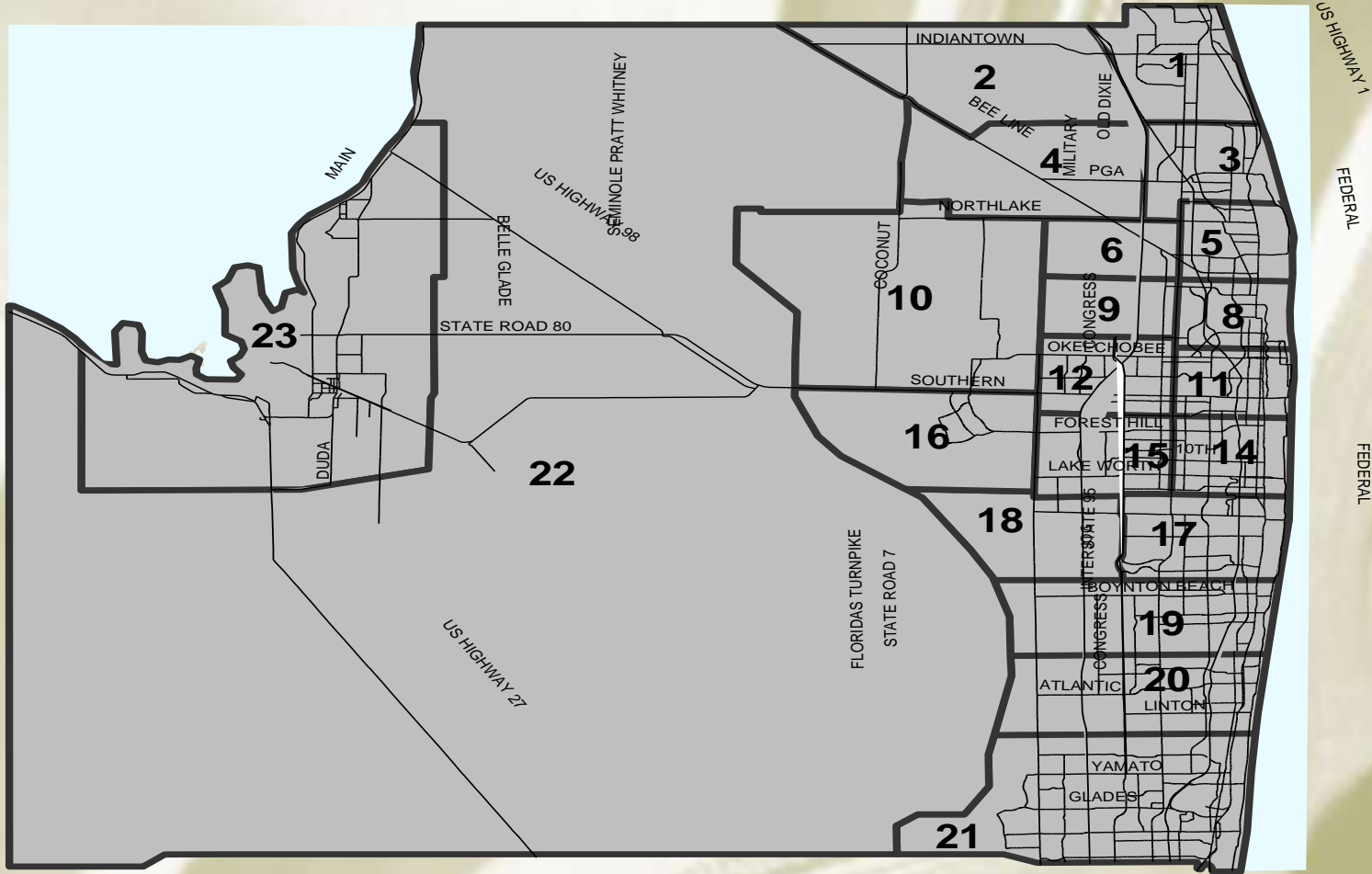


$$\div \quad \textit{School's Capacity} = \quad \% \textit{ of Utilization}$$



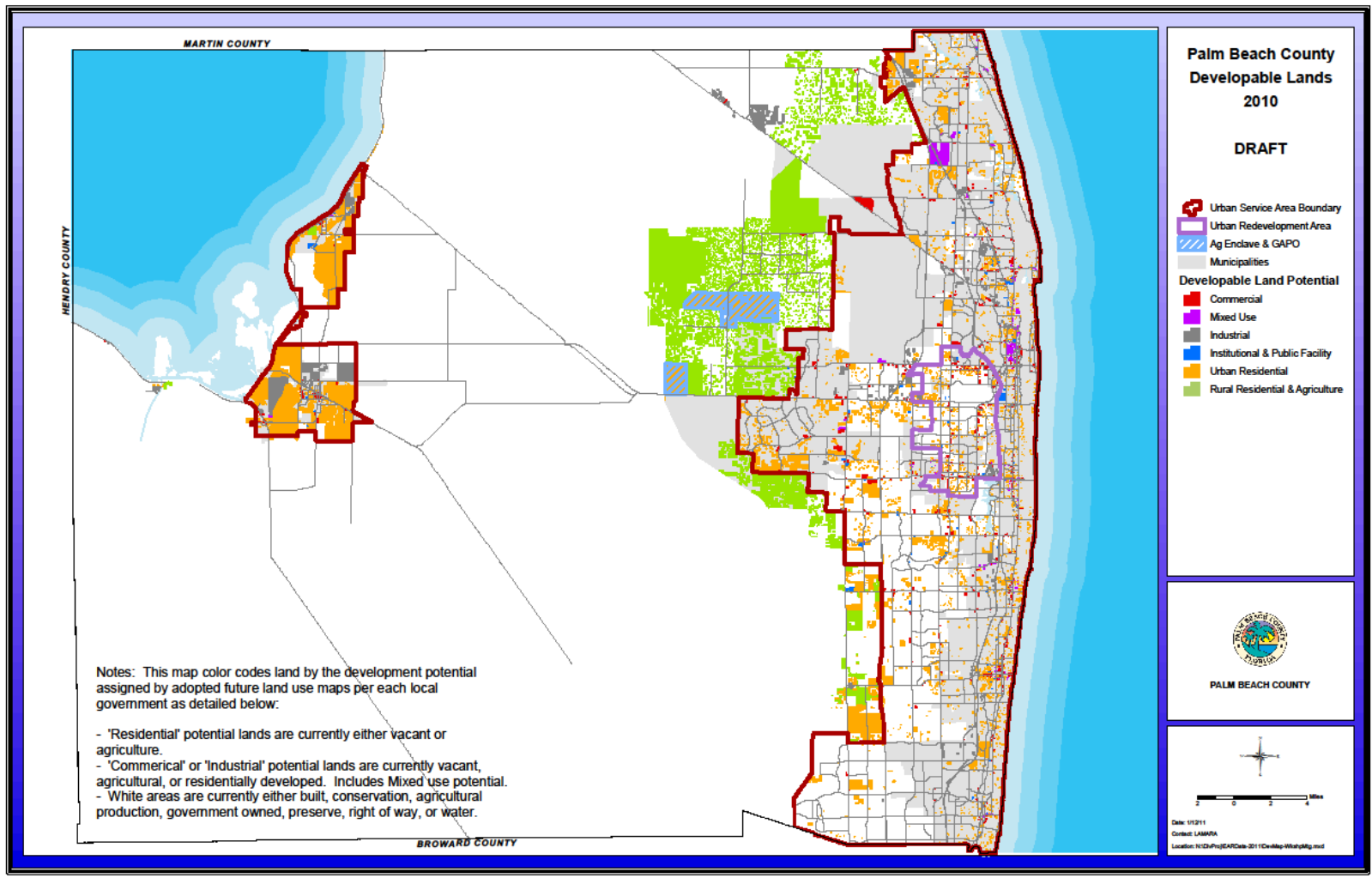
**Not to exceed 110%**

# PALM BEACH COUNTY CONCURRENCY SERVICE AREA MAP



**(21 Concurrency Service Areas)**

# PALM BEACH COUNTY DEVELOPABLE LAND IN 2010



# LEGAL DOCUMENTS/PROCESS

- **ILA**
- **Comprehensive Plan**
  - **Capital Improvement Element**
  - **Public School Facilities Element**
  - **Intergovernmental Coordination Element**
  - **Supporting Documents**
- **Rule Making**
  - **School Board Policies**
  - **Implementing Ordinance – included in Local Governments Land Development Codes**
- **Application Forms and Tracking**

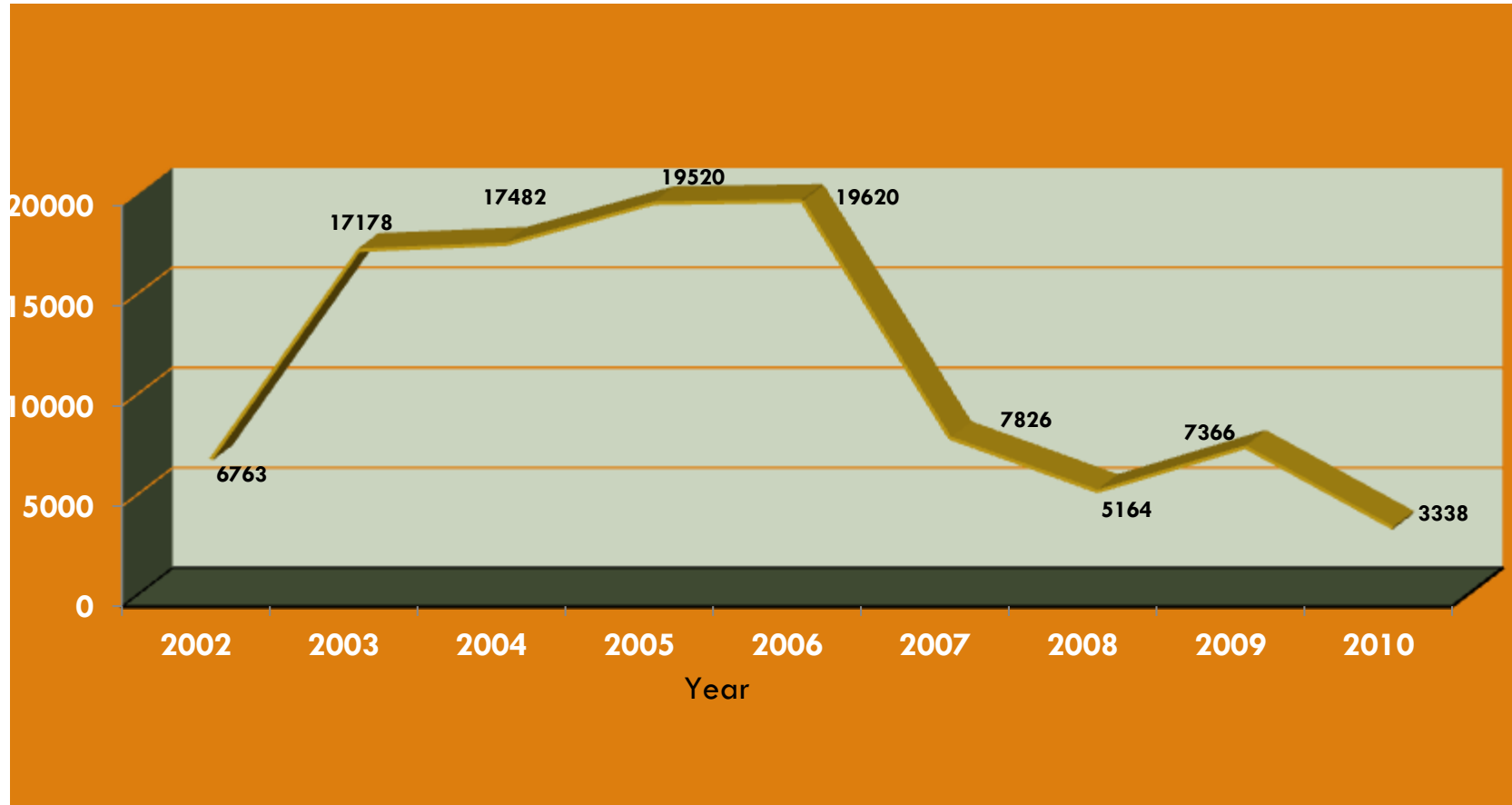
## Total Number of School Concurrency Applications and Total Number of Residential Units with Concurrency Approvals

CSA	NUMBER OF APPLICATIONS	AREA/ LOCATION	NUMBER OF UNITS
CSA 1	51	Jupiter	2264
CSA 2	3	West Jupiter	235
CSA 3	36	Palm Beach Gardens	7385
CSA 4	5	West Palm Beach Gardens	12144
CSA 5	26	Riviera Beach	2997
CSA 6	0	West Riviera Beach	0
CSA 8	60	North Area – West Palm Beach	8119
CSA 9	5	West Area – West Palm Beach	1226
CSA 10	14	Acreage Area/ Royal Palm Beach	3757
CSA 11	43	South Area – West Palm Beach	4113
CSA 12	46	Central Area – West Palm Beach	4204
CSA 14	84	Lake Worth	2309
CSA 15	63	Greenacres	4472
CSA 16	15	Wellington	1726
CSA 17	84	Lantana/ North Boynton Beach	9045
CSA 18	27	West/ Central Palm Beach County	3119
CSA 19	77	Boynton Beach/ West Boynton Beach	17382
CSA 20	147	Delray Beach/ West Delray	13422
CSA 21	55	Boca Raton/ West Boca Raton	6937
CSA 22	0	Everglades	0
CSA 23	5	Belle Glade/ Pahokee	683
<b>TOTAL</b>	<b>845</b>		<b>105,539</b>

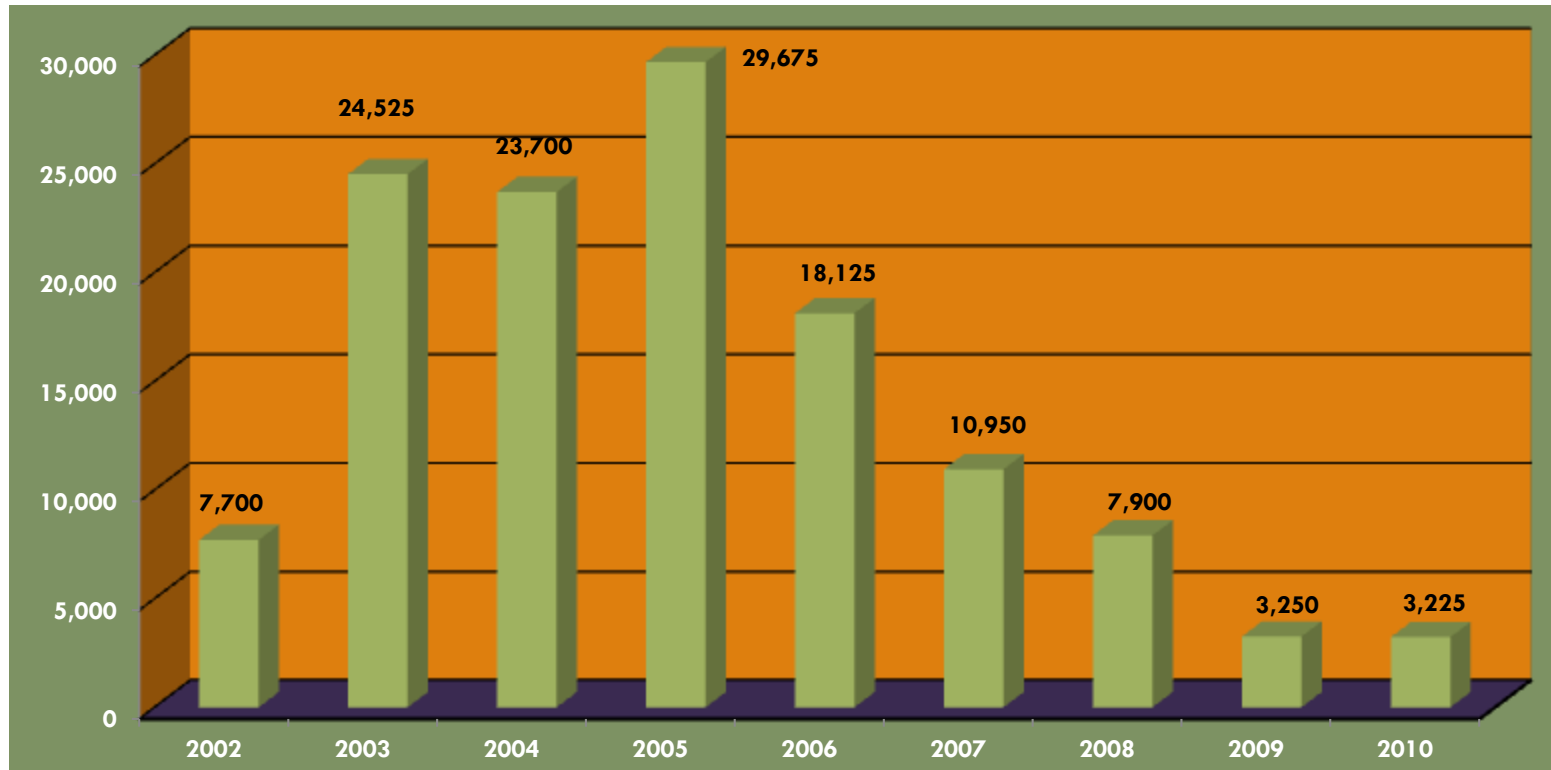
# Total Number of School Concurrency Applications - 2002-2010



# Total Number of Residential Units with School Concurrency Approvals 2002-2010



# Application fees from School Concurrency



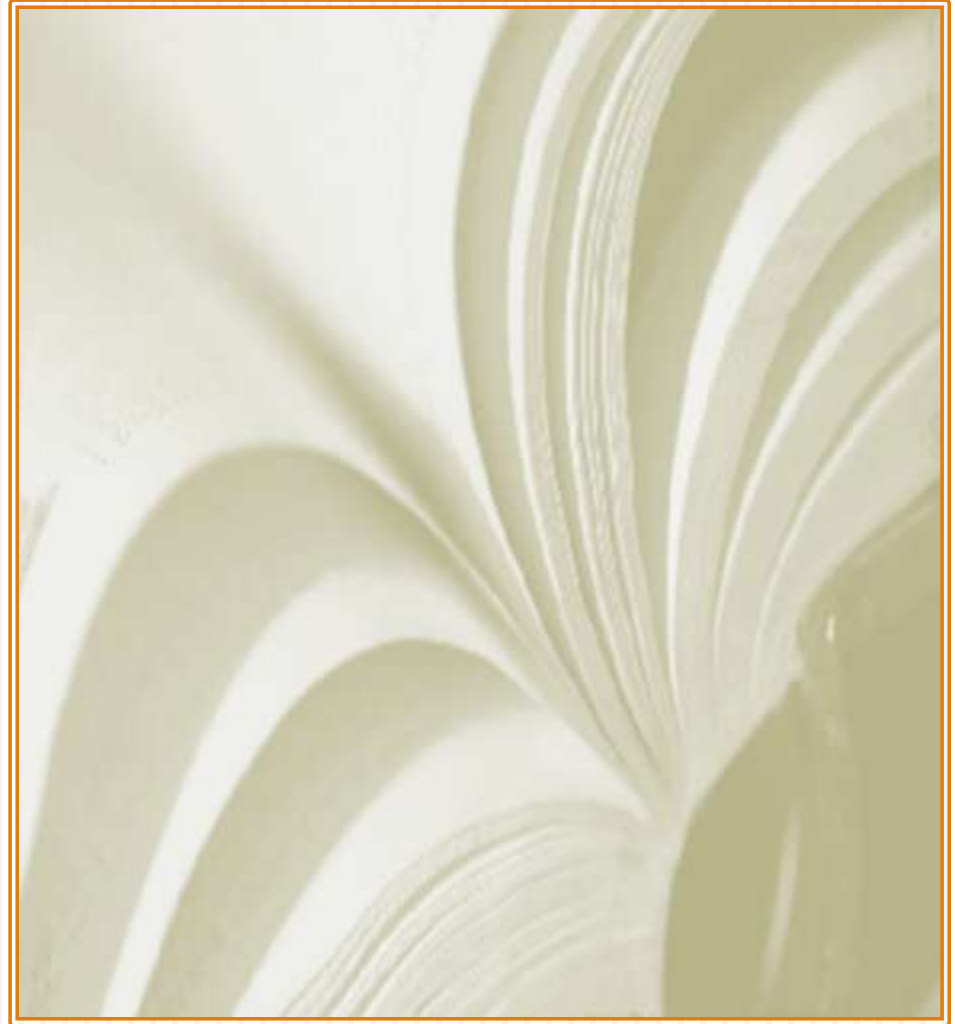
# COMPLETED CAPITAL PROJECTS-2000-2011

School Type	New	Modernized	Additional Capacity (New Schools)	Additional Capacity (Modernized Schools)	Total Additional Capacity
Elementary	25	33	23,372	7,996	31,368
Middle	10	9	12,606	2,189	14,795
High	6	8	12,618	2,412	15,030
<b>*Total</b>	<b>41</b>	<b>50</b>	<b>48,596</b>	<b>12,597</b>	<b>61,193</b>

\* The total number of New and Modernized schools = **91**

# Mitigation

- Under School Concurrency, no developer has been required to provide mitigation in Palm Beach County.



# School Concurrency

## 2011 Optional Requirements

- **The provisions are similar to when Palm Beach County initially adopted School Concurrency in 2002**
- **All local government provisions in the comprehensive plan must be consistent with each other**
- **Local government and School Board shall exercise authority to establish jointly an adequate LOS for School Concurrency**
- **Public school LOS standards shall be included/adopted into Capital Improvements Element of local governments' Comprehensive Plans**
- **Five Year Capital Plan outlining funded and unfunded projects**
- **If adequate school facilities will be in place or under actual construction w/in 3 years after issuance of final subdivision or site plan approval, a local government may not deny an application**
- **Where school capacity is available on a district-wide basis but school concurrency is applied on a less than district-wide basis in the form of concurrency service areas, if the adopted level-of-service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, then the local government may not deny an application for site plan or final subdivision approval or the functional equivalent for a development or phase of a development on the basis of school concurrency, and if issued, development impacts shall be subtracted from the contiguous service area's capacity totals. Students from the development may not be required to go to the adjacent service area unless the school board rezones the area in which the development occurs.**

# Differences

## New Requirements

- ILA does not Require State Review
- Implementation of School Concurrency Requires County /Cities Representing 80% Population Rather than all Non-Exempt Cities
- Portables are Required to be Included as Capacity for Purposes of School Concurrency if They Have Walkways and Installed After 1998
- Public School Facilities is No Longer a Required Element in Comprehensive Plans
- Financial Feasibility -  
Additional Capacity Needed to Ensure that Adopted LOS Standards are Achieved and Maintained for the 5-Year Period of the Capital Improvement Schedule Must be Identified as Either Funded or Unfunded  
Deletes the Requirement that Comprehensive Plans be Financially Feasible
- CSA Map Amendments No Longer Require Annual Comprehensive Plan Amendments

## Previous Optional Provisions

- ◆ The State Departments of Community Affairs had to Approve the Inter-local Agreement and Public School facilities Element for the Implementation of School Concurrency
- ◆ All Local Governments are Required to Enter Into an Inter-local Agreement and Adopt a Public School Facilities Element in its Comprehensive Plan Except Those Exempt by Statutes
- ◆ Portables could be Included as Capacity for Purpose of School Concurrency even though Palm Beach County did not Include them.
- ◆ The 5-Year-Plan had to be Financially Feasible
- ◆ Any Amendment to a Concurrency Service Area was Required through a Comprehensive Plan Amendment Process Approved by Local Governments who are Party to the ILA and the State Department of Community Affairs
- ◆ The Established Level of Service Standards for each CSA was Maintained through Coordinated Planning between the School District, the County and Participating Municipalities

# 2011 Legislation continues to require Interlocal Agreement for Coordinated Planning

- Issues to Address:
  - Projections of population growth and student enrollment
  - Coordination on existing/planned public school facilities
  - Potential school closures, renovation and new school siting
  - Need for and timing of onsite and offsite improvements to support schools
  - 5-Year Plan coordination
  - Joint use of facilities
  - Resolution of disputes between the School Board and local governments
  - Public participation for oversight process
  - Evaluate the effect of comprehensive plan amendments on school capacity. The capacity reporting must be consistent with laws and rules relating to measurement of school facility capacity and must also identify the district will meet the public school demand based on the facilities work program

# Other Statutory Requirements

(1) 163.3174 Requires that all local governments that review rezoning and comprehensive plan amendments include a representative of the school district as a non-voting member when reviewing comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application.

(2) 1013.33 Coordination of planning with local governing bodies. These provisions are included in Interlocal Agreement requirements.

(3) 1013.51 Expenditures authorized for certain infrastructure. School Board may pay its proportionate share of the cost of onsite and offsite system improvements necessitated by the educational facility development, but a board is not required to pay for or install any improvements that exceed those required to meet the needs of a new public educational facility or an expanded site.

(4) 1013.64 School Boards shall provide landscaping by local funding sources or initiative. School Boards are exempt from local landscape ordinances but may comply with the local requirements if such compliance is less costly than compliance with the landscape requirements of the Florida Building Code for public educational facilities.

# Planning prior to School Concurrency

- *School Board Policy 7.13 adopted in 1983*
- *Review of future residential land use amendments at the specified LOS at that time for impacts on the public school system*
- *Review of rezonings and other development orders for impacts on the public school system*
- *Attendance at Public Hearings*
- *Developers provided financial contributions or land for schools*

# Options for Discussion



- **Adopt an ILA**
  - Focus on Coordinated Planning & Related Statutory Requirements in Chapter 163
- **Review Impacts on the Public School System at Future Land Use Amendment Stages**
  - Address Land Use Changes that are Expected to Cause Overcrowding of Schools
  - Develop Planning Solutions through Conditions of Approval
- **Serve on the Development Review Committee (or Comparable Entity)**
  - Have Same Authority as other Governmental Agencies
  - Address Potential Impacts on the Public School System
  - Impose Conditions Prior to Development Order Approval by the Local Government
- **Amend the Level of Service to 100% or Less of FISH Capacity**
  - Make it More in Line with Class Size Reduction
- **Utilize Concurrency Service Areas that Coincide with School Attendance Zones**
  - Allow for Review of Adequate Capacity at Schools that More Directly Serve a Proposed Development
  - Require Mitigation from Developer, if School Capacity if not Available

# Questions/Discussion



- Should School Concurrency continue to be implemented in Palm Beach County under the new optional provisions?
- Should other options be pursued?