



SCHOOL CONCURRENCY

Palm Beach County

2011 Legislative Session & Update

SCHOOL CONCURRENCY REGULATIONS HISTORY

1998

Optional Implementation of Public School Concurrency

Florida Legislature Established Specific Minimum Requirements



2001/2002

1st County in Florida to Officially Adopt School Concurrency

The School Board, 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*

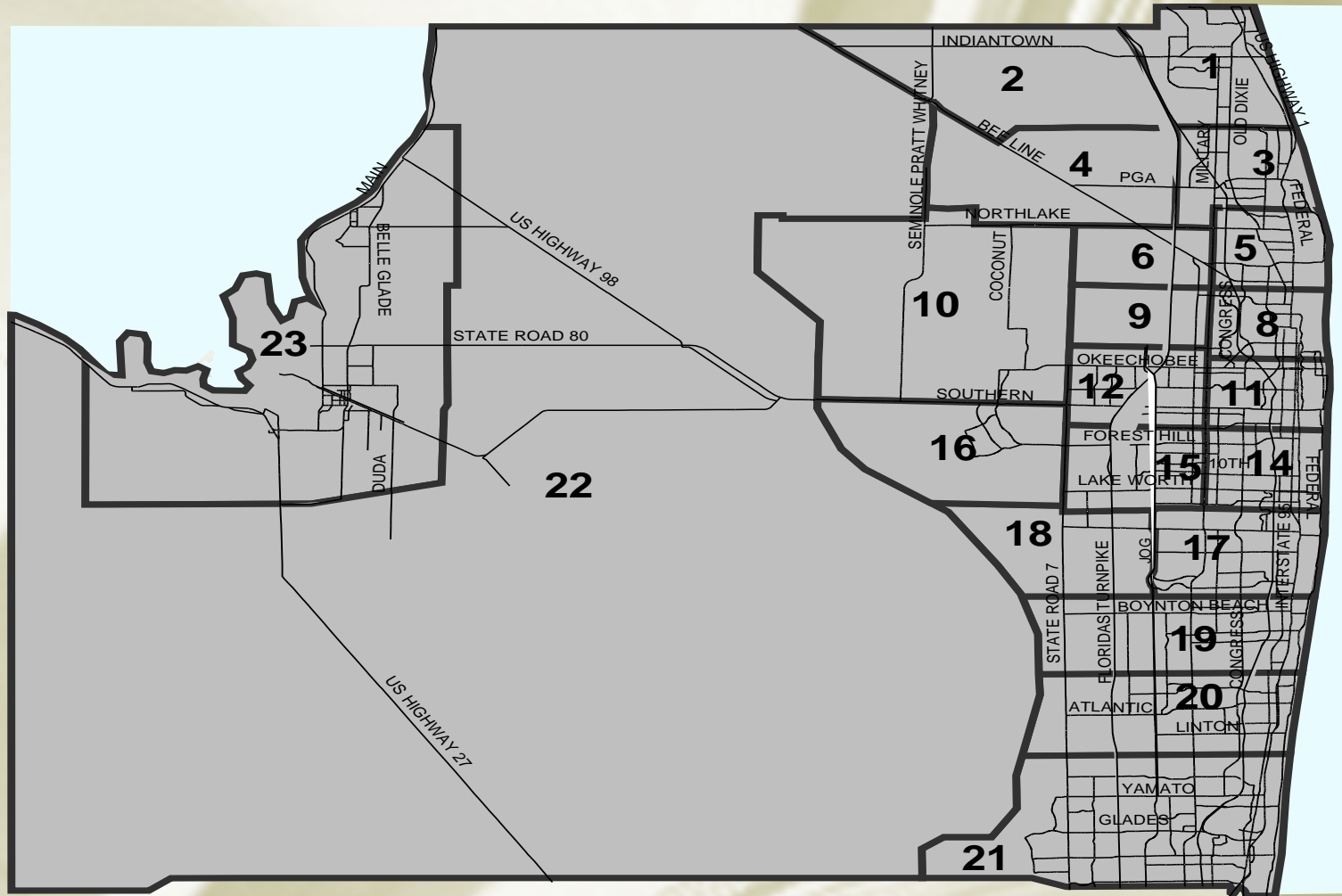


$$\div \text{ *School's Capacity* } = \text{ \% of Utilization }$$



Not to exceed 110%

PALM BEACH COUNTY CONCURRENCY SERVICE AREA MAP



(21 Concurrency Service Areas)

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

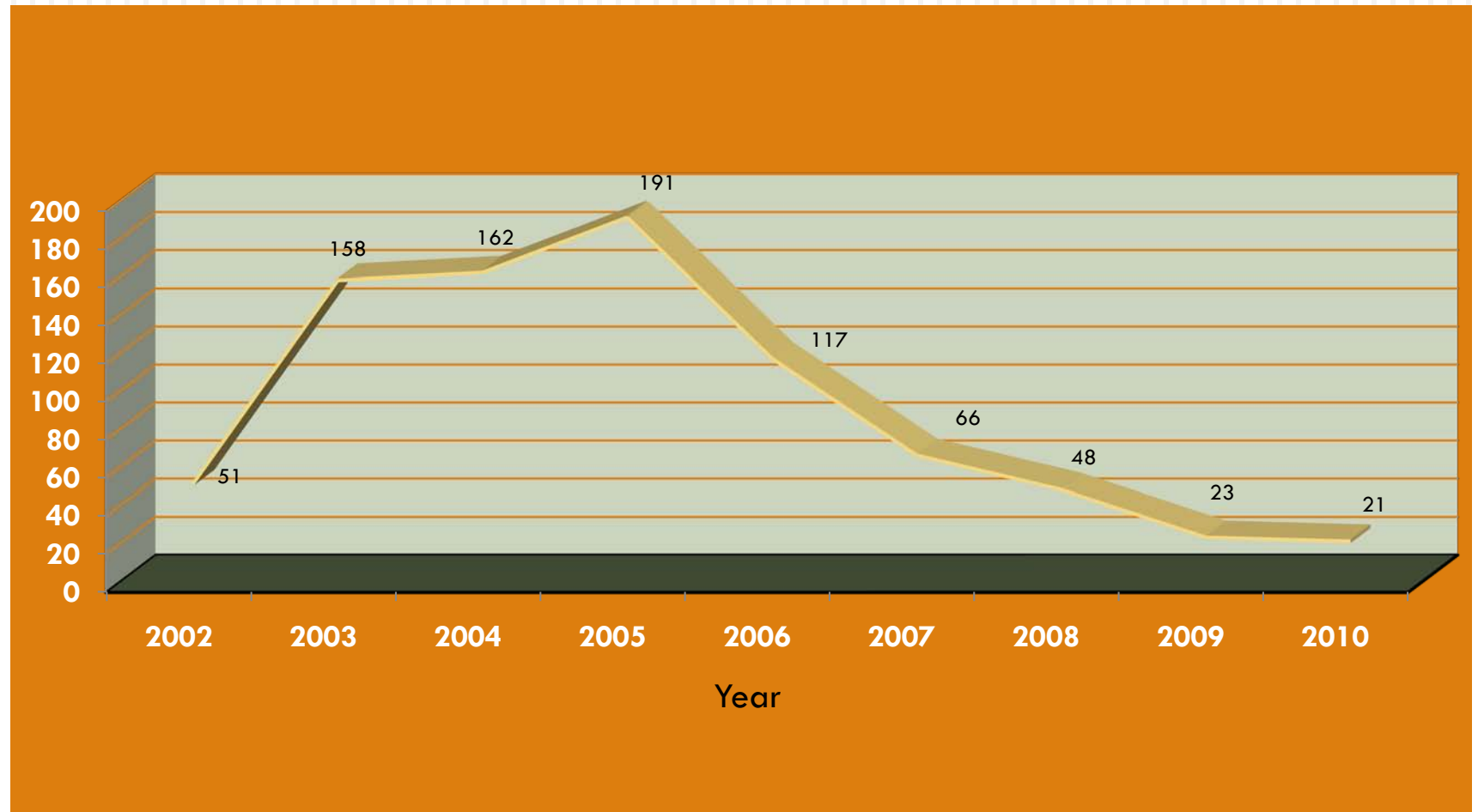
TOTAL NUMBER OF SCHOOL CONCURRENCY APPLICATIONS AND TOTAL NUMBER OF RESIDENTIAL UNITS WITH CONCURRENCY APPROVALS

CSA	NUMBER OF APPLICATIONS	AREA/ LOCATION	NUMBER OF UNITS	NUMBER OF UNITS *
CSA 1	51	Jupiter	2264	1453
CSA 2	3	West Jupiter	235	137
CSA 3	38	Palm Beach Gardens	7730	5933
CSA 4	5	West Palm Beach Gardens	12144	12083
CSA 5	26	Riviera Beach	2997	2441
CSA 6	0	West Riviera Beach	0	0
CSA 8	60	North Area – West Palm Beach	8119	6540
CSA 9	5	West Area – West Palm Beach	1226	476
CSA 10	14	Acreage Area/ Royal Palm Beach	3757	3703
CSA 11	44	South Area – West Palm Beach	4193	3777
CSA 12	47	Central Area – West Palm Beach	4286	4092
CSA 14	85	Lake Worth	2309	2109
CSA 15	63	Greenacres	4472	3633
CSA 16	16	Wellington	1994	1796
CSA 17	84	Lantana/ North Boynton Beach	9045	7767
CSA 18	27	West/ Central Palm Beach County	3119	2788
CSA 19	77	Boynton Beach/ West Boynton Beach	17382	14632
CSA 20	148	Delray Beach/ West Delray	13425	9560
CSA 21	59	Boca Raton/ West Boca Raton	7643	6227
CSA 22	0	Everglades	0	0
CSA 23	5	Belle Glade/ Pahokee	683	683
TOTAL	856		107,023	89,830 (-17,193)

Source: School Concurrency Intake Records from June 2002 to September 2011

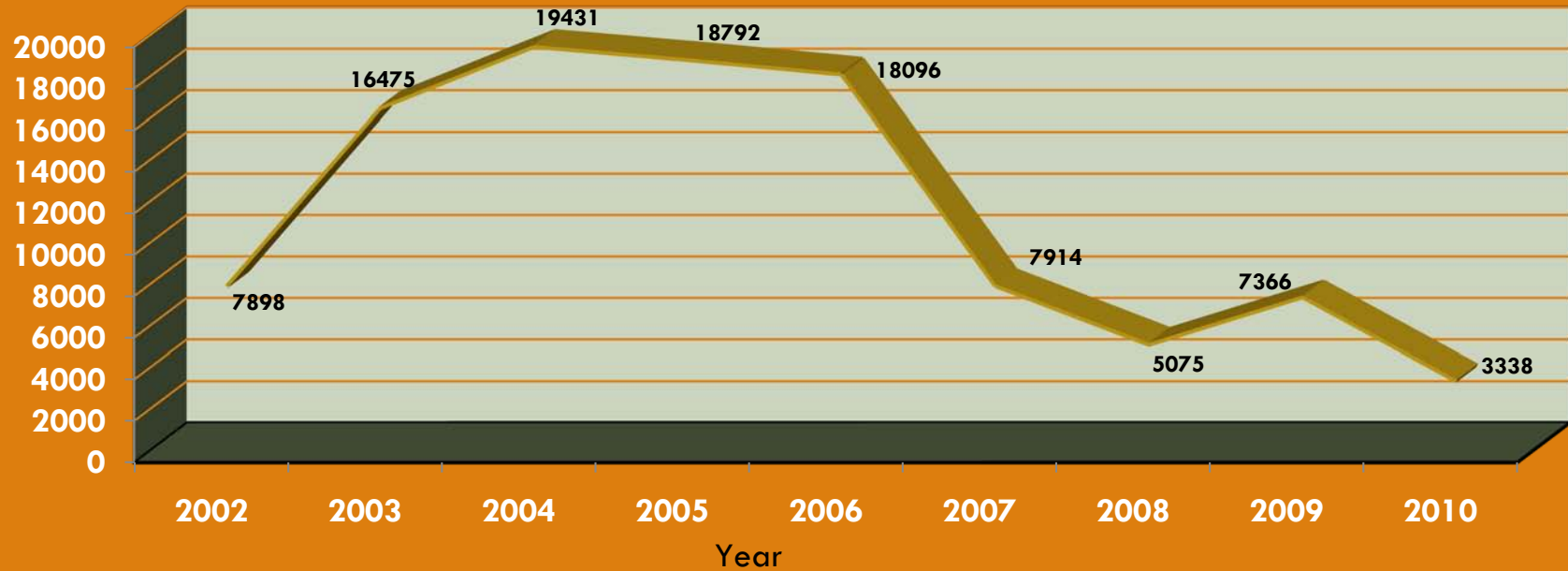
* **Number of Units** from school concurrency approvals were updated based on development order status.

TOTAL NUMBER OF SCHOOL CONCURRENCY APPLICATIONS 2002 - 2010



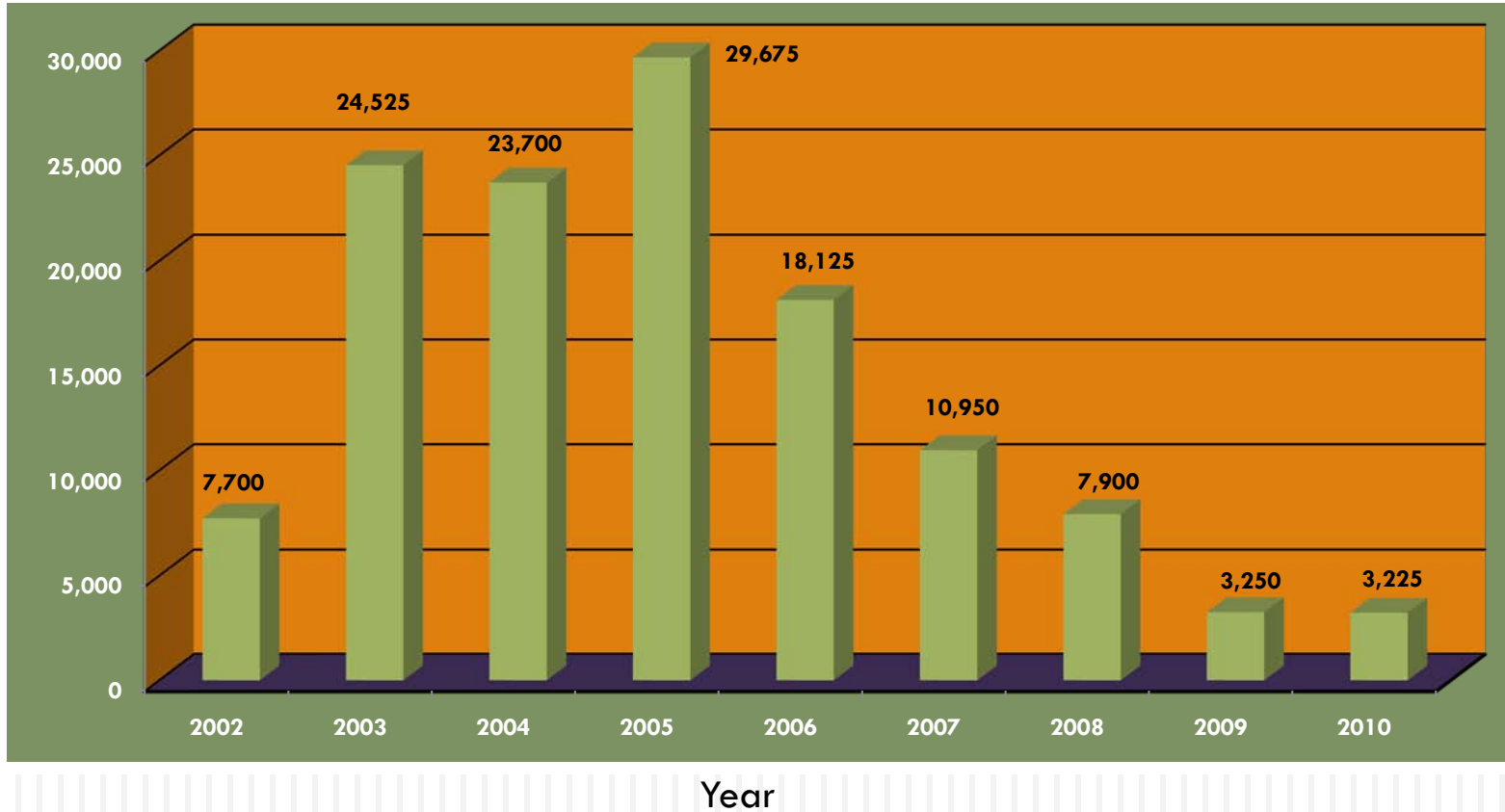
The total number of school concurrency applications from 2002 to 2010 is **837**.

TOTAL NUMBER OF RESIDENTIAL UNITS WITH SCHOOL CONCURRENCY APPROVALS 2002 - 2010



The total number of residential units with school concurrency approvals from 2002 to 2010 is **104,385**.

APPLICATION FEES FROM SCHOOL CONCURRENCY



Average School Concurrency Fees: \$14K/Year

COMPLETED CAPITAL PROJECTS 2000 - 2011

School Type	New Schools	Modernized Schools	Additional Capacity (New Schools)	Additional Capacity (Modernized Schools)	Total Additional Capacity	Enrollment 2000 / 2011		Enrollment Change 2000 - 2011
						2000	2011	
Elementary	25	33	23,372	7,996	31,368	70,663	75,580	4,917
Middle	10	9	12,606	2,189	14,795	35,676	37,054	1,378
High	6	8	12,618	2,412	15,030	41,683	49,010	7,327
TOTAL	41	50	48,596	12,597	61,193	148,022	161,644	13,622

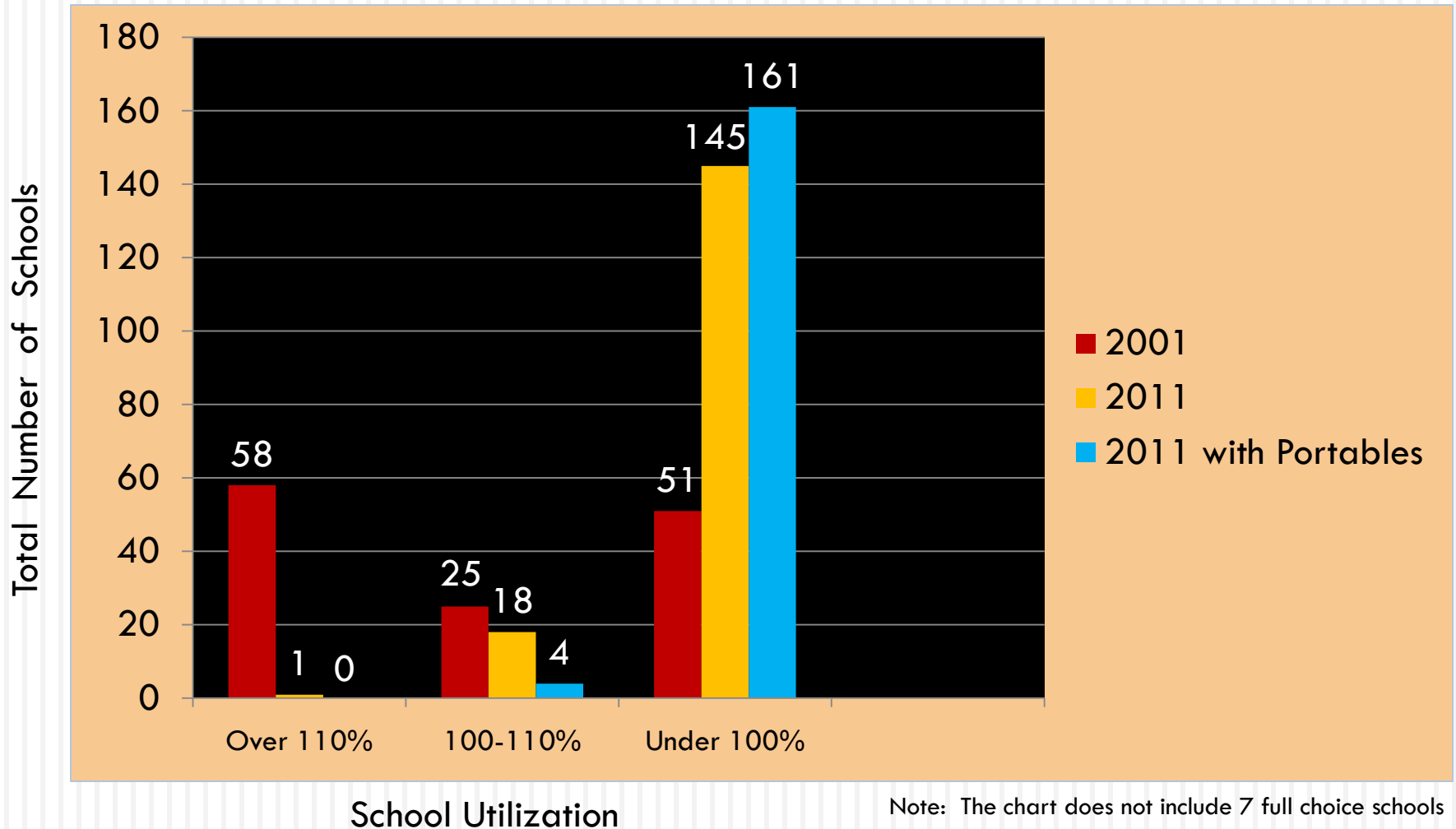
- The Total Number of New and Modernized Schools = 91
- The Enrollment does not include Pre-K students or students in charter, alternative, ESE schools/centers
- Enrollment declined in three school years during the period
- 2000 enrollment is October data; 2011 is September data.

2000 – 2011

TOTAL CAPITAL PROJECT COSTS (in dollars)

FY	New Schools	Modernization & Replacements	Addition & Remodeling	Total
2000	75,007,832	36,687,609	22,476,282	134,171,724
2001	95,334,256	16,543,521	25,745,366	137,623,144
2002	102,355,698	88,391,057	15,301,185	206,047,941
2003	145,378,937	157,765,364	11,538,789	314,683,090
2004	188,014,760	150,287,432	12,272,927	350,575,120
2005	82,649,473	151,943,072	42,280,798	276,873,344
2006	57,071,627	176,210,451	100,090,231	333,372,309
2007	40,575,542	170,277,207	103,536,424	314,389,172
2008	60,431,975	237,225,378	123,048,222	420,705,574
2009	45,389,381	140,100,143	85,641,457	271,130,981
2010	43,754,930	81,663,958	34,950,774	160,369,662
2011	9,039,599	19,900,371	32,650,908	61,590,877
TOTAL:	945,004,011	1,426,995,563	609,533,364	2,981,532,938

SCHOOL UTILIZATION IN 2001 AND 2011



MITIGATION/DENIALS

- Under School Concurrency, no developer has been required to provide mitigation in Palm Beach County
- No application denials have Occurred



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 within 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" - F.S. 163.3180 (6)(f)2.b)

DIFFERENCES

New Requirements 2011

- ILA does not require State review
 - Implementation of School Concurrency requires county and cities representing 80% of County's population rather than all non-exempt cities
 - Portables are required to be included as capacity for purposes of School Concurrency if they have covered walkways and are manufactured after 1998
 - Public School Facilities Element is no longer a required element in comprehensive plans if a local government elects to implement optional school concurrency
 - Financial Feasibility -
Additional capacity needed to ensure that adopted LOS standards are achieved and maintained for the 5-year planning period of the Capital Improvement Schedule must be identified as either funded or unfunded
- CSA map amendments no longer have to be amended through the Comprehensive Plan amendment process

Previous Optional Provisions 2001

- The State Departments of Community Affairs approval was required for the Interlocal Agreement and Public School Facilities Element for the implementation of School Concurrency
- All local governments were required to enter into an Interlocal Agreement and adopt a Public School Facilities Element in their comprehensive plans except for those exempt by Statutes
- Portables could be Included as capacity, but was not required to be included. Palm Beach County chose not to Include them.
- The 5-Year-Plan had to be financially feasible
- Any amendment to a Concurrency Service Area was required to be processed through the comprehensive plan amendment process; approved by local governments who are party to the ILA and the State Department of Community Affairs

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

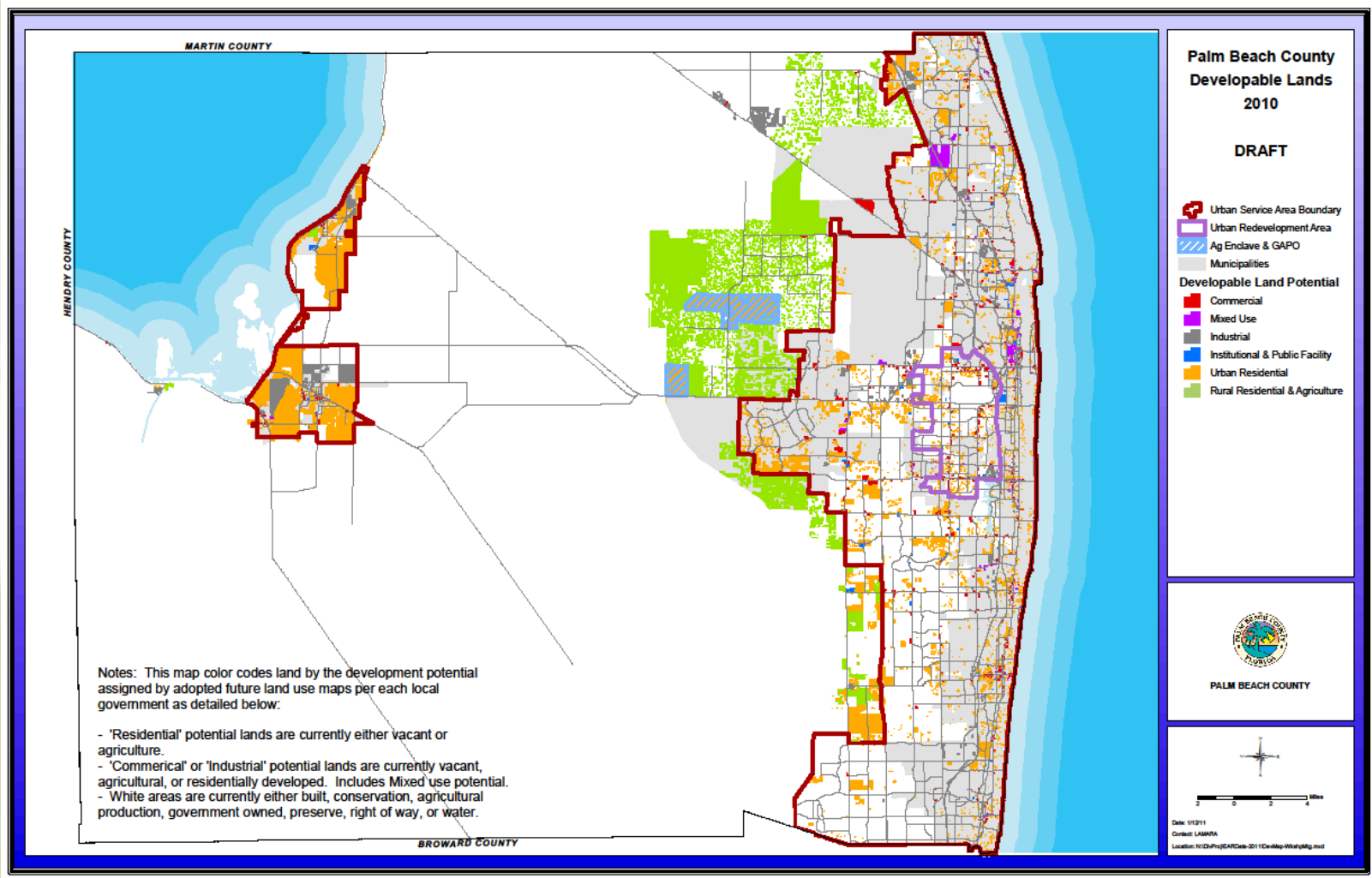
- School Board Policy 7.13 adopted in 1983
- Review of future residential land use amendments at the specified LOS at that time for impacts on the public school system
- Review of rezonings and other development orders for impacts on the public school system
- Attendance at public hearings
- Developers 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
- **School District Representative 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
- **Other Options**

PALM BEACH COUNTY DEVELOPABLE LAND IN 2010



QUESTIONS/DISCUSSION



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