

School Concurrency – Alachua County, FL Interlocal Agreement for Public School Facility Planning

INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING

THIS AGREEMENT is entered into between the School Board of Alachua County (hereinafter referred to as "School Board"), the Commission or Council of the Cities or Towns of Alachua, Archer, Gainesville, Hawthorne, High Springs, LaCrosse, Micanopy, Newberry, and Waldo (hereinafter referred to as "Cities"), and the Alachua County Board of County Commissioners (hereinafter referred to as "County"). Cities and County may also be referred to as Local Governments.

WHEREAS, the County, Cities, and the School Board recognize their mutual obligation and responsibility for the education, nurturing and general well-being of the children within their community; and

WHEREAS, the County, Cities, and School Board recognize the benefits that will flow to the citizens and students of their communities by more closely coordinating their comprehensive land use and school facilities planning programs, namely:

- (1) Better coordination of new schools in time and place with land development,
- (2) Greater efficiency for the School Board and Local Governments by placing schools to take advantage of existing and planned roads, water, sewer, and parks,
- (3) Improved student access and safety by coordinating the construction of new and expanded schools with the road and sidewalk construction programs of the Local Governments,
- (4) Better defined urban form by locating and designing schools to serve as community focal points,
- (5) Greater efficiency and convenience by co-locating schools with parks, ball fields, libraries, and other community facilities to take advantage of joint use opportunities, and
- (6) Reduction of pressures contributing to urban sprawl and support of existing neighborhoods by appropriately locating new schools and expanding and renovating existing schools; and

WHEREAS, Section 1013.33, Florida Statutes (F.S.), requires that the location of public educational facilities must be consistent with the comprehensive plan and implementing land development regulations of the appropriate local governing body, and

WHEREAS, Section 163.3177(6) (h) 1 and 2, F.S., require each Local Government to adopt an intergovernmental coordination element as part of its comprehensive plan that states principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of the school boards, and describes the processes for collaborative planning and decision making on population projections and public school siting; and

WHEREAS, Sections 163.31777 and 1013.33, F.S., further require each county and the non-exempt municipalities within that county to enter into an interlocal agreement with the district school board to establish jointly the specific ways in which the plans and processes of the district school board and the Local Governments are to be coordinated; and

WHEREAS, the School Board, the County, and the Cities enter into this agreement in fulfillment of that statutory requirement and in recognition of the benefits accruing to their citizens and students described above; and

WHEREAS, the School Board, the County and the Cities acknowledge the School's Board's constitutional and statutory obligations to provide a uniform system of free public schools on a districtwide basis; and

WHEREAS, the School Board, the County and the Cities acknowledge the land use authority of Local Government to approve or deny comprehensive plan amendments and development orders; and

NOW THEREFORE, be it mutually agreed among the School Board, the County, and the Cities that the following procedures will be followed in coordinating land use and public school facilities planning:

SECTION 1 JOINT MEETINGS

1.1 Staff Working Group

A staff working group of the County, School Board, and Cities will meet on a semi-annual basis to discuss issues and formulate recommendations regarding coordination of land use and school facilities planning, including such issues as population and student projections, development trends, school needs, co-location and joint use opportunities, and ancillary infrastructure improvements needed to support the school and ensure safe student access. A staff representative from the North Central Florida Regional Planning Council (NCFRPC) will also be invited to attend. A designee of the School Board shall be responsible for coordinating and convening the semi-annual meetings.

1.2 Annual Meetings of Elected Officials

One or more representatives of the County, each City, and the School Board will meet at least annually in joint workshop sessions. A representative of the NCFRPC will also be invited to attend. The joint workshop sessions will be opportunities for the County Commission, the City Commissions and Councils, and the School Board to hear reports, discuss policy, set direction, and reach understandings concerning issues of mutual concern regarding coordination of land use and school facilities planning, including population and student growth, development trends, school needs, off-site improvements, and joint use opportunities. The Superintendent of Schools, or designee, shall be responsible for making meeting arrangements and providing notification to the general public of the annual meeting.

SECTION 2 STUDENT ENROLLMENT AND POPULATION PROJECTIONS

2.1 Annual Revision and Distribution

In fulfillment of their respective planning duties, the County, Cities, and School Board agree to coordinate and base their school facility planning upon consistent projections of the amount, type, and distribution of population growth and student enrollment. Countywide five-year population and student enrollment projections shall be revised annually and provided at the first staff working group meeting described at subsection 1.1.

2.2 Enrollment Projections

The School Board shall use student population projections based on information produced by the demographic and education estimating conferences pursuant to Section 216.136, Florida Statutes, and the Department of Education (DOE) Capital Outlay Full-Time Equivalent (COFTE). The School Board may request adjustment to the projections based on actual enrollment and development trends. In formulating such a request the School Board will coordinate with the Cities and County regarding development trends, enrollment projections and future population projections.

2.3 Planning Data

The School Board will consider the information described in subsection 3.3 to allocate the projected student enrollment into school attendance zones. The allocation of projected student enrollment will be discussed at one of the semi-annual staff working group meetings described in subsection 1. 1.

SECTION 3 COORDINATING AND SHARING OF INFORMATION

3.1 The School District's 5-Year District Facilities Work Program

No later than October 1st of each year, the School Board shall submit to the Local Governments information pertaining to the 5-Year District Facilities Work Program. The program will be consistent with the requirements of Sections 1013.33 and 1013.35, F.S., and include projected student populations apportioned geographically, an inventory of existing school facilities, projections of facility space needs, information on relocatables, general locations of new schools for the 5, 10, and 20 year time periods, and options to reduce the need for additional student stations. The information provided by the School Board will include an assessment of the need to amend the adopted level of service (LOS) standards. The Local Governments shall review the program and provide comments to the School Board within 30 days on the consistency of the work program with its comprehensive plan, including the capital improvements element and whether a comprehensive plan amendment will be necessary for any proposed educational facility.

3.2 Educational Plant Survey

At least one year prior to preparation of each Educational Plant Survey, the Staff Working Group established in subsection 1.1 will assist the School Board in an advisory capacity in preparation of the survey. The Educational Plant Survey shall be consistent with the requirements of Section 1013.31, F.S., and include at least an inventory of existing educational facilities, recommendations for new and existing facilities, and the general location of each in coordination with Local Governments' comprehensive plans. The staff working group will evaluate and make recommendations regarding the location and need for new schools, significant expansions of existing schools, closures of existing facilities, and the consistency of such plans with Local Governments' comprehensive plans.

3.3 Growth and Development Trends

Between January and March of each year, Local Governments will each provide the School Board with a report on growth and development trends for the preceding calendar year within their jurisdiction. These reports may include the following as relevant:

- (a) The type, number, and location of residential units which have received development plan approval;
- (b) Information regarding comprehensive plan future land use map amendments which have an impact on school facilities;
- (c) Residential building permits and / or certificates of occupancy issued for the preceding year and their location;
- (d) The identification of any development orders issued which contain a requirement for the provision of a school site as a condition of development approval.
- (e) Other information relevant to monitoring for school concurrency.

SECTION 4 SCHOOL SITE SELECTION, EXPANSIONS, SCHOOL CLOSURES

4.1 Advisory Committee

The School Board will establish a School Planning Advisory Committee (SPAC) for the purpose of reviewing potential sites for new schools, proposals for significant school expansions and potential closure of existing schools. Based on information gathered during the review, the SPAC will submit recommendations to the Superintendent of Schools. The SPAC will be a standing committee and will meet on an as needed basis. In addition to appropriate representatives of the School Board staff, the SPAC will include at least one staff member of the County, a staff representative from each of the Cities, and a diverse group of community members.

4.2 New School Sites / Consistency with Comprehensive Plan

When the need for a new school site is identified in the 5-Year District Facilities Work Program, the SPAC will develop a list of potential sites in the area of need. The list of potential sites for new schools will be submitted to the Local Government with jurisdiction for an informal assessment regarding consistency with the Local Government comprehensive plan, including, as applicable: environmental suitability, transportation and pedestrian access, availability of infrastructure and services, safety concerns, land use compatibility and other relevant issues. Based on the information gathered during this review, and the evaluation criteria set forth in subsection 4.4, the SPAC will make a recommendation to the Superintendent of Schools of one or more sites in order of preference.

4.3 Expansions and Closures

For significant expansions and potential closures, the SPAC will make appropriate recommendations to the Superintendent of Schools.

4.4 School Site Evaluation

The SPAC, the School Board, and the Local Governments when evaluating new school sites will consider the following issues:

- (a) The location of schools proximate to urban residential development and contiguous to existing school sites, and which provide potential focal points for community activities, including opportunities for shared use and co-location with other community facilities;
- (b) The location of elementary schools proximate to and, within walking distance of the residential neighborhoods served;
- (c) Elementary schools should be located on local or collector streets, middle and high schools should be located near arterial streets;
- (d) Compatibility of the school site with present and future land uses of adjacent property considering the safety of students or the effective provision of education.
- (e) Whether existing schools can be expanded or renovated to support community redevelopment and revitalization, efficient use of existing infrastructure, and the discouragement of urban sprawl;
- (f) Site acquisition and development costs;
- (g) Safe access to and from the school site by pedestrians, bicyclists and motor vehicles;
- (h) Existing or planned availability of adequate public facilities and services to support the School;
- (i) Environmental constraints that would either preclude or render infeasible the development or significant expansion of a public school on the site
- (j) Adverse impacts on archaeological or historic sites listed or eligible for listing, in the National Register of Historic Places or designated by the affected Local Government as a locally significant historic or archaeological resource;
- (k) Whether the site is well drained and the soils are suitable for, or are adaptable for, development and outdoor educational/recreation uses;
- (l) The proposed location is consistent with the Local Government comprehensive plan, stormwater management plans, or watershed management plans;
- (m) The proposed location is not within a velocity flood zone or floodway, as delineated on pertinent maps identified or referenced in the applicable comprehensive plan or land development regulations;
- (n) The proposed site can accommodate the required parking, circulation and queuing of vehicles; and
- (o) The proposed location lies outside the area regulated by Section 333.03, F.S., regarding the construction of public educational facilities in the vicinity of an airport.

4.5 Consistency of New Public Education Facilities Sites with Local Government Comprehensive Plans

At least 60 days prior to acquiring or leasing property that may be used for a new public educational facility, the School Board shall provide written notice of its intent to the Local Government with jurisdiction over the use of the land. The Local Government shall notify the School Board within 45 days of receipt of this notice if the proposed new public education facility site is consistent with the Local Government's comprehensive plan. This notice does not constitute the Local Government's determination of consistency of any proposed construction pursuant to Section 1013.33 (10), (11), (12), (13), F.S.

Notwithstanding these notice requirements, the School Board is not precluded from acquiring or leasing any property.

SECTION 5 SUPPORTING INFRASTRUCTURE

5.1 Joint Consideration of On-site and Off-site Improvements.

In conjunction with the consistency determination described in Section 4 of this agreement or at the appropriate time in the site design process, the School Board and affected Local Governments will jointly determine the need for and timing of on-site and off-site improvements. Such improvements shall be as necessary to support each new school or the proposed renovation or expansion of an existing school, and will identify the timing, location, and the parties responsible for financing, constructing, operating and maintaining the required improvements for new public school sites.

SECTION 6 LOCAL PLANNING AGENCIES (LPAs), COMPREHENSIVE PLAN AMENDMENTS, REZONINGS, AND DEVELOPMENT APPROVALS

6.1 Appointed LPA Members

The County and Cities pursuant to Section 163.3174 (1), F.S., will include a representative appointed by the School Board on the LPAs, or equivalent agencies, to attend those meetings at which the LPAs consider comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application.

6.2 Development Review Representative

The School Board will appoint a representative to advise the Local Government development review committee, or equivalent body, on development and redevelopment which could have a significant impact on student enrollment or school facilities.

6.3 Coordinating School Capacity with Growth

The Local Governments and the School Board shall coordinate land use decisions with the School Board's long range facilities plans over the 5, 10 and 20 year periods.

For purposes of coordinating land use decisions with school capacity planning, the School Concurrency Service Areas (SCSA(s)) that are established for high, middle, and elementary schools as part of the Interlocal Agreement for Public School Facility Planning shall be used for school capacity planning. The relationship of high, middle, and elementary school capacity and students anticipated to be generated as a result of land use decisions shall be assessed in terms of its impact (1) on the school system as a whole, and (2) on the applicable SCSA(s). For purposes of this planning assessment, existing or planned capacity in adjacent SCSA(s) shall not be considered.

The School Board shall report its findings and recommendations regarding the land use decision to the Local Government. If the School Board determines that capacity is insufficient to support the proposed land use decision, the School Board shall include its recommendations to remedy the capacity deficiency, including estimated costs. The School Board shall forward the report to all Local Governments within the County.

6.4 Criteria for Evaluating Land Use Decisions

In reviewing and approving land use decisions, the Local Governments shall consider School Board comments, which may include:

- (a) Available school capacity or planned improvements to increase school capacity;
- (b) The provision of school sites and facilities within neighborhoods;
- (c) Compatibility of land uses adjacent to existing schools and reserved school sites;
- (d) The co-location of parks, recreation and neighborhood facilities with school sites;
- (e) The linkage of schools, parks, libraries and other public facilities with bikeways, trails, and sidewalks for safe access;
- (f) Traffic circulation maps, which serve schools and the surrounding neighborhood;
- (g) The provision of off-site signalization, signage, access improvements, and sidewalks to serve schools; and
- (h) The inclusion of school bus stops and turnarounds.

6.5 Capacity Enhancement Agreements

Where feasible and agreeable to the School Board, affected jurisdictions and the applicant, Capacity Enhancement Agreements shall be encouraged to ensure adequate capacity is available at the time the school impact is created. The School Board's Long Range Facilities Plans over the 5, 10 and 20 year periods shall be amended to incorporate capacity modification commitments established by Capacity Enhancement Agreements.

6.6 Educational Benefit District

The School Board and Local Governments may consider the establishment of an Educational Benefit District (Sections 1013.355-357, F.S.) as a funding option.

6.7 Annual Report

The School Board shall annually provide a cumulative report of land use decisions and the effect of those decisions on public school capacity to the Elected Officials Group.

6.8 Local Government Jurisdictions

Notwithstanding the provisions of this agreement, the final approval of land use decisions shall be the responsibility of the respective Local Governments.

SECTION 7 CO-LOCATION AND SHARED USE

7.1 Co-location and Shared Use

Co-location and shared use of facilities are important to both the School Board and Local Governments. The School Board will look for opportunities to co-locate and share use of school facilities and civic facilities when preparing the District's Five-Year Facilities Work Program and other appropriate occasions. Likewise, co-location and shared use opportunities will be considered by the Local Governments when preparing the annual update to the comprehensive plan's schedule of capital improvements and when planning and designing new, or renovating existing, community facilities and other appropriate occasions.

7.2 Separate Agreement

A separate agreement will be developed for each instance of co-location and shared use of any facility. Such agreement shall address legal liability, operating and maintenance costs, scheduling of use, facility supervision, and any other issues that may arise from co-location and shared use.

SECTION 8 SCHOOL CONCURRENCY IMPLEMENTATION

8.1 Definitions:

(a) Definitions. The terms used in this subsection shall be defined as follows:

1. Adequate school capacity - the circumstance where there is sufficient school capacity by school type, based on adopted Level of Service (LOS) standards, to accommodate the demand created by a proposed residential development.
2. Affected Jurisdictions - Local Governments that are parties to the Interlocal Agreement for Public School Facilities Planning and are physically located within the same or adjacent SCSA(s) as the area affected by a land use decision that may increase public school enrollment.
3. Capacity - "capacity" as defined in the Florida Inventory of School Houses (FISH) Manual.
4. Capacity Enhancement Agreement - an agreement between the School Board, affected jurisdictions and a private entity (land owner, developer, applicant, etc.) to address long-range school capacity issues associated with a land use decision.
5. Existing school facilities - school facilities constructed and operational at the time a completed application for residential development is submitted to a Local Government.
6. Final Development Order - The approval by a Local Government of a specific plan for a development with residential uses that specifies the maximum number and type of residential units. This may include approval of a final subdivision, final site plan, or functional equivalent as provided in the Local Government's land development regulations.
7. FISH Manual - the document entitled "Florida Inventory of School Houses (FISH)," the most current edition, that is published by the Florida Department of Education, Office of Educational Facilities (hereinafter the "FISH Manual").
8. Land Use Decisions - Future Land Use Map amendments, rezonings, and other residential development approvals under the land development regulations that precede the application of school concurrency and do not require a Certificate of School Concurrency.
9. Measurable Programmatic Change - Means a change to the operation of a school that has consistent and measurable capacity impacts including, but not limited to: double sessions, floating teachers, year-long schools and special educational programs.
10. FISH Capacity - capacity that is provided by buildings and facilities," as defined in the FISH Manual.

11. Program Capacity - capacity that is provided by “buildings and facilities” as defined in the FISH Manual and modified by the School Board to reflect measurable programmatic changes.

12. Planned School Facilities - School facility capacity that will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval, pursuant to the School Board’s adopted 5-Year Facilities Work Program.

13. Preliminary Approval - The conferral of certain rights to final development order approval, including the maximum number and type of residential units, provided that such final approval is granted by the Local Government within a time period prescribed in the land development regulations, but not exceeding one (1) year, or as specified for phased projects in the Local Government’s land development regulations.

14. School Type - Elementary Schools are typically grades Pre-Kindergarten Exceptional Student Education (Pre-K- ESE) through 5; Middle Schools are typically grades 6 through 8; and High School are typically grades 9 through 12

15. Total school facilities - Existing school facilities and planned school facilities

16. Utilization of Capacity - Current enrollment at the time of a completed application for residential development, divided by the program capacity.

17. Work Program - The School Board’s 5-Year District Facilities Work Program adopted pursuant to Section 1013.35, F.S.

8.2 Procedure

8.2.1 Land Development Code

Following the amendment of the (Local Government) Comprehensive Plans, as provided herein, Local Governments will adopt land development regulations amendments to implement school concurrency consistent with their Comprehensive Plans, and the terms of this Agreement.

8.2.2 5-Year District Facilities Work Program

Amendments to the School District’s 5-Year District Facilities Work Program

(a).Prior to the adoption of amendments to the 5-Year District Facilities Work Program, that affect school capacity for concurrency other than the annual updates addressed in subsection 3.1 of this Agreement, the School Board shall coordinate with Local Governments and provide them an opportunity to comment on the consistency of the amendment with the Local Government’s Comprehensive Plan, including the capital improvements element and determine whether a comprehensive plan amendment will be necessary for any proposed educational facility.

(b).Capital Improvements Element Local Governments may incorporate, by reference, the annually adopted School District’s 5-Year District Facilities Work Program in their comprehensive plan, as provided by Florida Statutes.

8.3 Level-of-Service (LOS) Standards

8.3.1 Uniform Application of LOS Standard

The LOS standard to be used by the Local Governments and the School Board to implement school concurrency on a district-wide basis by the same school type is as follows:

- (a) Elementary: 100% of program capacity as annually adjusted by the School Board to account for measurable programmatic changes.
- (b) Middle: 100% of program capacity as annually adjusted by the School Board to account for measurable programmatic changes.
- (c) High: 100% of program capacity as annually adjusted by the School Board to account for measurable programmatic changes.

For combination schools, the School Board shall separately determine the capacity of each school to accommodate elementary, middle and high students and apply the LOS Standard prescribed above for elementary, middle and high levels respectively.

8.3.2 Implementation through Capital Improvements Element

The LOS standards set forth herein shall be included in the Capital Improvements Element of the Local Government's comprehensive plan and shall be applied consistently to all schools of the same type by the Local Governments and the School Board.

8.3.3 Amendment of LOS Standard

If there is agreement to amend the LOS standards, it shall be accomplished by the execution of an amendment to this Interlocal Agreement by all parties and the adoption of amendments to the Local Governments' comprehensive plans. The amended LOS standard shall not be effective until all plan amendments are effective and the amendment to this Interlocal Agreement is fully executed. Changes to LOS standards shall be supported by adequate data and analysis showing that the amended LOS standard can be achieved and maintained within the period covered by the first five years of the School District's 5-Year District Facilities Work Program. After the first five years, the capacity shall be maintained within each subsequent five-year schedule of capital improvements.

8.4 School Concurrency Service Areas

The Local Governments shall, in coordination with the School Board, establish School Concurrency Service Areas (SCSA's), as the areas within which an evaluation is made of whether adequate school capacity is available based on the adopted LOS standards.

8.4.1 Criteria for School Concurrency Service Areas

SCSAs shall be established to maximize available school capacity and make efficient use of new and existing public schools in accordance with the LOS standards, taking into account minimization of transportation costs, limitations on maximum student travel times, the effect of court approved desegregation plans, and recognition of the capacity commitments resulting from the Local Governments' within Alachua County's development approvals within the SCSA and contiguous SCSAs.

SCSA boundaries shall be based upon the relationship of school facilities to the communities they serve and the effect of changing development trends.

8.4.2 School Concurrency Service Area Maps

Maps identifying the SCSAs for high, middle, and elementary schools are adopted as part of this Agreement and may be modified in accordance with the procedures described in this subsection. The SCSA maps incorporated herein are as follows:

- Map 1: High Schools and High School Concurrency Service Areas
- Map 2: Middle Schools and Middle School Concurrency Service Areas
- Map 3: Elementary Schools and Elementary School Concurrency Service Areas

8.4.3 Modifying School Concurrency Service Areas

Prior to adopting a modification to SCSAs, the following standards will be met:

- (a) Potential modifications to the SCSAs may be considered annually. Supporting data & analysis for modified SCSA's shall be included in the annual update to the School Board's 5-Year District Facilities Work Program.
- (b) Modifications to SCSA boundaries shall be based upon the criteria as provided in the Local Government's Public School Facilities Element.
- (c) Any party to this adopted Interlocal Agreement may propose a modification to the SCSA boundary maps.
- (d) At such time as the School Board determines that a SCSA boundary change is appropriate considering the above criteria, the School Board shall transmit the proposed SCSA boundary modification, with data and analysis to support the changes, to the Elected Officials Group.
- (e) The Elected Officials Group shall review the proposed SCSA boundary modifications and send its comments to the School Board and the Local Governments.

Modifications to a SCSA shall become effective upon final approval by the School Board and amendment of this Interlocal Agreement.

8.5 SCHOOL CONCURRENCY REVIEW PROCESS

In coordination with the School Board, each Local Government will establish a joint process for implementation of school concurrency which includes applicability, capacity determination, availability standards, and school capacity methodology. The Local Government will issue a concurrency decision based on the School Board's findings, where applicable, or in accordance with the annual report issued pursuant to Section 8.5.8 of this agreement.

8.5.1 Development Review

The issuance of Final Development Orders for residential development shall be subject to the availability of adequate school capacity based on the Level of Service (LOS) standards adopted in this Agreement and the Public School Facilities Element (PSFE) of each Local Government.

8.5.2 Exemptions

The following residential developments are exempt from the school concurrency requirements:

(a) Single-family lots of record in existence or that have received a final development order approval prior to the effective date of the initial Public School Facilities Element (PSFE) or single family subdivisions or plats actively being reviewed at the time of adoption of the initial PSFE adopted by the Local Government that have received preliminary approvals as defined herein, and such preliminary approval has not expired and there is no lapse in the development approval status.

(b) Multi-family residential development that received final site plan approval prior to the effective date of the Public School Facilities Element, or multi-family site plans actively being reviewed at the time of adoption of the Public School Facilities Element that have received preliminary plan approvals as defined herein, and such development approval has not expired.

(c) Amendments to final development orders for residential development that were approved prior to the initial effective date of the PSFE, and which do not increase the number of students generated by the development.

(d) Age restricted developments that prohibit permanent occupancy by persons of school age. Such restrictions must be recorded, irrevocable for a period of at least thirty (30) years, and lawful under applicable state and federal housing statutes. The applicant must demonstrate that these conditions are satisfied.

(e) Group quarters that do not generate students that will be assigned to public school facilities, including residential facilities such as local jails, prisons, hospitals, bed and breakfast, motels and hotels, temporary emergency shelters, adult halfway houses, firehouse dorms, college dorms exclusive of married student housing, and religious non-youth housing facilities.

8.5.3 Student Generation Rates and Costs per Student Station

Student generation rates used to determine the impact of a particular development application on public schools, and the costs per student station shall be determined in accordance with professionally accepted methodologies and adopted annually by the School Board in the 5-Year District Facilities Work Program.

8.5.4 School Capacity and Enrollment

The uniform methodology for determining if a particular school is meeting adopted LOS standards, shall be determined by the School Board. The School Board shall use program capacity as the standard to determine the capacity of elementary, middle, and high school facilities. School enrollment shall be based on the enrollment of each individual school based on counts reported by the School Board to the Department of Education.

8.5.5 Determination of Adequate Capacity

The School Board and Local Governments shall establish methods and procedures for concurrency review for all development plan approvals subject to school concurrency to determine whether there is adequate school capacity.

(a) Adequate school capacity means there is sufficient school capacity at the adopted LOS standards to accommodate the demand created by a proposed development for each type of school within the affected SCSA.

(b) The Local Government will determine if concurrency is met based on the School Board's findings or specific developments where applicable, or based on the thresholds established in the annual report issued pursuant to Section 8.5.8 of this Agreement.

8.5.6 Concurrency Availability Standard

School concurrency applies only to residential development or a phase of residential development requiring a final development order on or after the effective date of the initial Public School Facilities Element (PSFE) adopted by local government.

Each Local Government shall amend the concurrency management systems in its land development regulations to require that all new residential development be reviewed for school concurrency no later than the issuance of a final development order. The Local Government shall not deny a final development order for residential development due to a failure to achieve and maintain the adopted LOS standards for public school capacity where:

(a) Adequate school facilities will be in place or under construction within three years after the issuance of the final development order for residential development; or,

(b) Adequate school facilities are available in an adjacent SCSA, and when adequate capacity at adopted LOS Standards will be in place or under construction in the adjacent SCSA within three years after the issuance of the final development order; or,

(c) The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by development of the property subject to the final development order.

8.5.7 Process for Determining School Facilities Concurrency

The School Board shall coordinate with each Local Government to: (1) establish methodologies and procedures for the review of development proposals subject to school concurrency, including provisions that efficiently integrate school concurrency review into the Local Government's established process for the review of development proposals; and, (2) maintain records pertaining to the effect of development proposals on school capacity.

These procedures shall provide for the certification of school concurrency by the Local Government without review and certification by the School Board for individual developments below thresholds identified in the report, as described in Section 8.5.8, issued by the School Board at least annually.

The School Board and each Local Government shall establish procedures specific to the Local Government and consistent with the following guidelines:

(a) Development applications which include residential uses must include the number and type of units, and projection of the number of students by type of school based on the student generation rates established by the School Board. Procedures shall provide for a copy of such information to be submitted by applicants to the Local Government and the School Board.

(b) If the development proposal meets the criteria for certification by Local Government identified in the School Board report described in Section 8.5.8, separate review and written certification by the School Board is not required.

(c) If the development proposal requires review by the School Board, the Local Government will transmit completed applications for development to the School Board for a determination of whether there is adequate school capacity to accommodate the proposed residential development, based on the adopted LOS standards. Transmittal shall occur within five (5) working days of receipt of completed applications. Within ten (10) working days from the date of the initial transmittal, the School Board staff will review the completed application and, based on the standards set forth in this Agreement, report in writing or by e-mail to the Local Government whether there is adequate school capacity for each type of school.

1. The Local Government will issue a school concurrency certification based upon the School Board's determination that adequate school capacity exists or will be in place or under actual construction within three years after the issuance of final development order approval, as programmed in the 5-Year District Facilities Work Program; or

2. If the School Board determines that adequate capacity does not exist or will not be under construction within three years after issuance of final development order approval, the development application will remain active pending the conclusion of the mitigation negotiation period. The requirements for school concurrency shall be satisfied upon execution of a legally binding mitigation agreement between the applicant, School Board and appropriate Local Government(s), as provided by this Agreement.

(d) The certification shall indicate a temporary commitment of capacity of necessary school facilities for a period consistent with the Local Government land development regulations, not to exceed one (1) year from the issuance of a preliminary development approval or until a Final Development Order is issued, whichever occurs first or as specified for phased projects in the Local Government's land development regulations. The preliminary finding that there is adequate school facility capacity may be used as the basis for a Final Development Order. Following approval of the Final Development Order, capacity for the development shall be reserved until completion of development infrastructure within a period not to exceed three (3) years, or longer if the School Board concurs that there is sufficient capacity for a reservation for a longer period. These time frames shall be subject to any State-mandated extensions of development approvals. Provided the time frames above are adhered to, no further determination of school capacity availability shall be required for the residential development, except that any increase in impact shall require review.

(e) Phased projects, as provided for in the Local Government land development regulations, may obtain approval for a longer period, provided the development order is in accordance with an agreement entered into by the School Board, the Local Government(s), and the developer, which may include a phasing schedule or other timing plan for development plan approvals, capacity reservation fees, capacity enhancement agreements, or other requirements as determined by the School Board.

(f) The Local Government shall notify the School Board within fifteen (15) working days of the approval or expiration of a concurrency reservation for a residential development.

8.5.8 Annual Concurrency Monitoring and Reporting

The School Board, in coordination with the annual revision and distribution of student enrollment and population projection described in Section 2, shall prepare a report on school capacity and enrollment by school type and concurrency service area based on adopted level of service standards. The School Board shall consolidate development application data received throughout the year from the Local Governments into the annual report. Development applications receiving final approval for which reservation of school capacity should be taken into account in the analysis of available capacity in this report. Local Governments shall review the annual report and provide comments to the School Board.

The report shall identify projected available capacity by school type and concurrency service area and shall identify the threshold of student generation and size of associated developments within each concurrency service area that can be approved by Local Governments without requiring review by the School Board in order to ensure that adopted level of service standards will be maintained. Ongoing monitoring procedures shall be established jointly by Local Governments and the School Board to track and adjust projected demand and capacity by school type and concurrency service area and identify any need for consideration by the Staff Working Group of adjustments in these development size thresholds to ensure that adopted level of service standards will be maintained.

8.6 Proportionate Share Mitigation

The Local Governments, in coordination with the School Board, shall provide for mitigation alternatives that are determined by the School Board to achieve and maintain the adopted LOS standard consistent with the School District's adopted 5-Year District Facilities Work Program.

8.6.1 Mitigation Options

Mitigation may be allowed for those developments that cannot meet the adopted LOS standards. Mitigation options shall include options listed below for which the School Board assumes operational responsibility through incorporation in the School District's 5-Year District Facilities Work Program and which will maintain adopted LOS standards.

- (a) The payment of a proportionate share amount to the School Board as calculated by the formula prescribed in 8.7.2 or the equivalent donation, construction, or funding of school facilities or sites in accordance with costs determined by the School Board;
- (b) The creation of mitigation banking within designated areas based on the construction of a public school facility in exchange for the right to sell capacity credits; and,
- (c) The establishment of a charter school with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF).

8.6.2 Mitigation Must Enhance Program Capacity

Mitigation must be directed toward a program capacity improvement identified in the School District's 5-Year District Facilities Work Program, which satisfies the demands created by the proposed development consistent with the adopted LOS standards.

Mitigation shall be directed to projects in the School District's 5-Year District Facilities Work Program that the School Board agrees will satisfy the demand created by that development approval and shall be assured by a legally binding agreement consistent with Section 163.3180, between the School Board, the Local Government, and the applicant which shall be executed prior to the Local Government's issuance of the final development order. If the School Board agrees to the mitigation, the School Board must commit in the agreement to placing the project required for mitigation in its 5-Year District Facilities Work Program.

8.6.2 Calculating Proportionate Share

The applicant's total proportionate share obligation to resolve a capacity deficiency shall be based on the following:

NUMBER OF STUDENT STATIONS (BY SCHOOL TYPE) = NUMBER OF DWELLING UNITS BY HOUSING TYPE X STUDENT GENERATION MULTIPLIER (BY HOUSING TYPE AND SCHOOL TYPE)

PROPORTIONATE SHARE AMOUNT = TOTAL NUMBER OF STUDENT STATIONS (BY SCHOOL TYPE) X COST PER STUDENT STATION FOR SCHOOL TYPE.

The formula shall be calculated for each housing type within the proposed development and for each school type (elementary, middle, or high) for which a capacity deficiency has been identified. The sum of these calculations shall be the proportionate share amount for the development under review.

The School Board's average cost per student station shall only include school facility construction and land costs, and costs to build schools to emergency shelter standards when applicable.

The developer's proportionate-share mitigation obligation shall be credited toward any other impact or exaction fee imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.

SECTION 9 AMENDMENT & SEVERABILITY

9.1 Amendment

This Agreement may be amended only by the written consent of the Local Governments and the School Board. This Agreement represents a complete and entire understanding between the parties with respect to this Agreement. Changes, which may be mutually agreed upon, shall be valid only when reduced to writing, duly signed by each of the parties hereto, and attached to the original of this Agreement.

9.2 Severability

It is the declared intent that if any section, sentence, clause, phrase, or provision of the Agreement is held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this Agreement and the remainder of this Agreement after the exclusion of such part or parts shall be deemed to be valid.

SECTION 10 RESOLUTION OF DISPUTES

10.1 If the parties to this Agreement are unable to resolve any issue in which they may be in disagreement covered in this Agreement, such dispute will be resolved in accordance with governmental conflict resolution procedures specified in Chapter 164 or 186, F. S.

SECTION 11 OVERSIGHT PROCESS

11.1 The School Board and the Local Governments shall develop an oversight process to monitor implementation of this Agreement. At the annual meeting of elected officials established in subsection 1.2, the body shall discuss the effectiveness with which the interlocal agreement is being implemented. This discussion shall include ample opportunity for public participation.

SECTION 12 TERMINATION

12.1 Any party to this Agreement may terminate its participation in the Agreement by providing a 60 day written notice to all other parties. Withdrawal from this Agreement by any party shall not alter the terms of this Agreement with respect to the remaining signatories.

SECTION 13 EXECUTION IN COUNTERPARTS

13.1 This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, but all such counterparts shall, together, constitute but one in the same instrument.

ATTEST:

_____

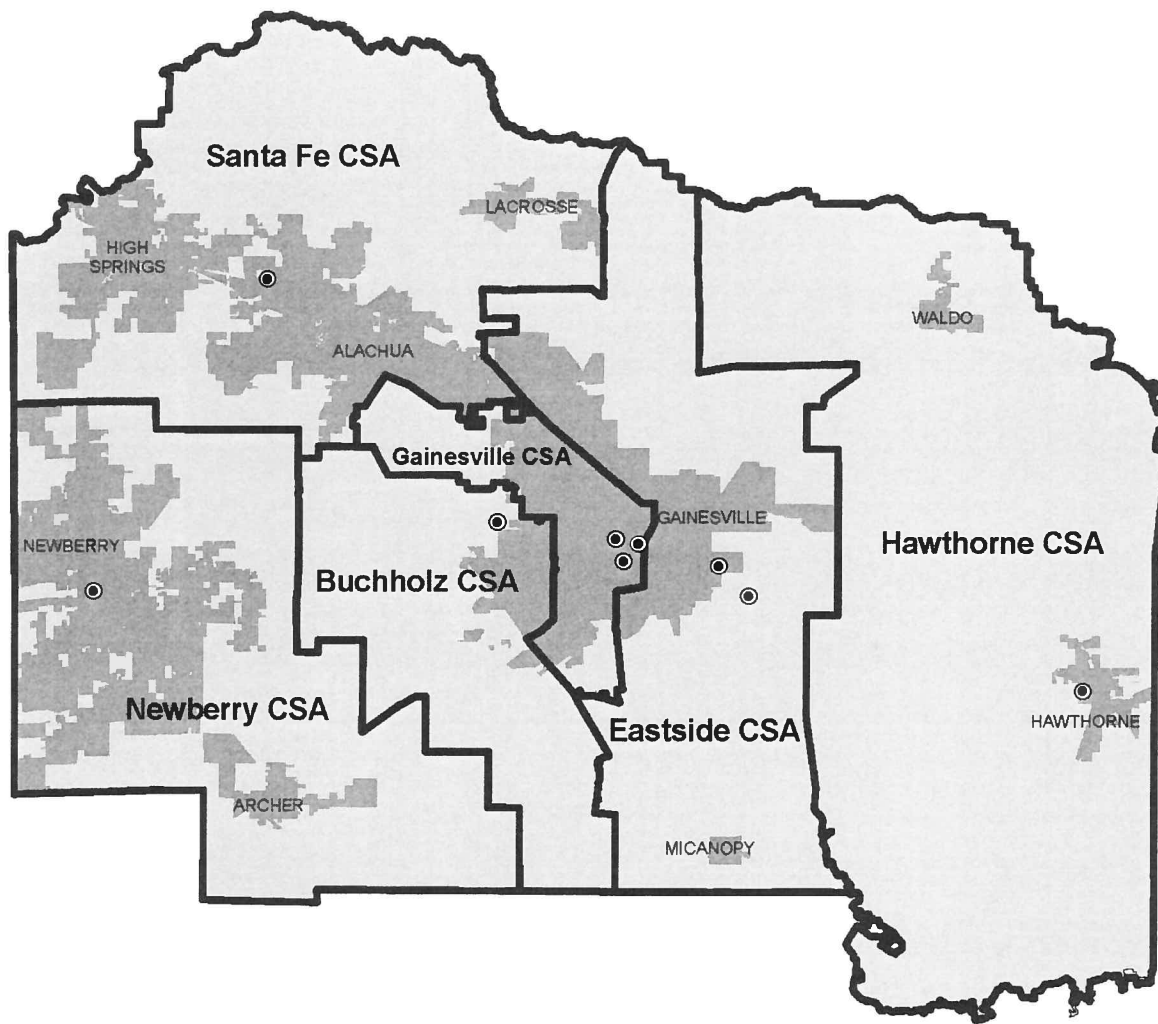
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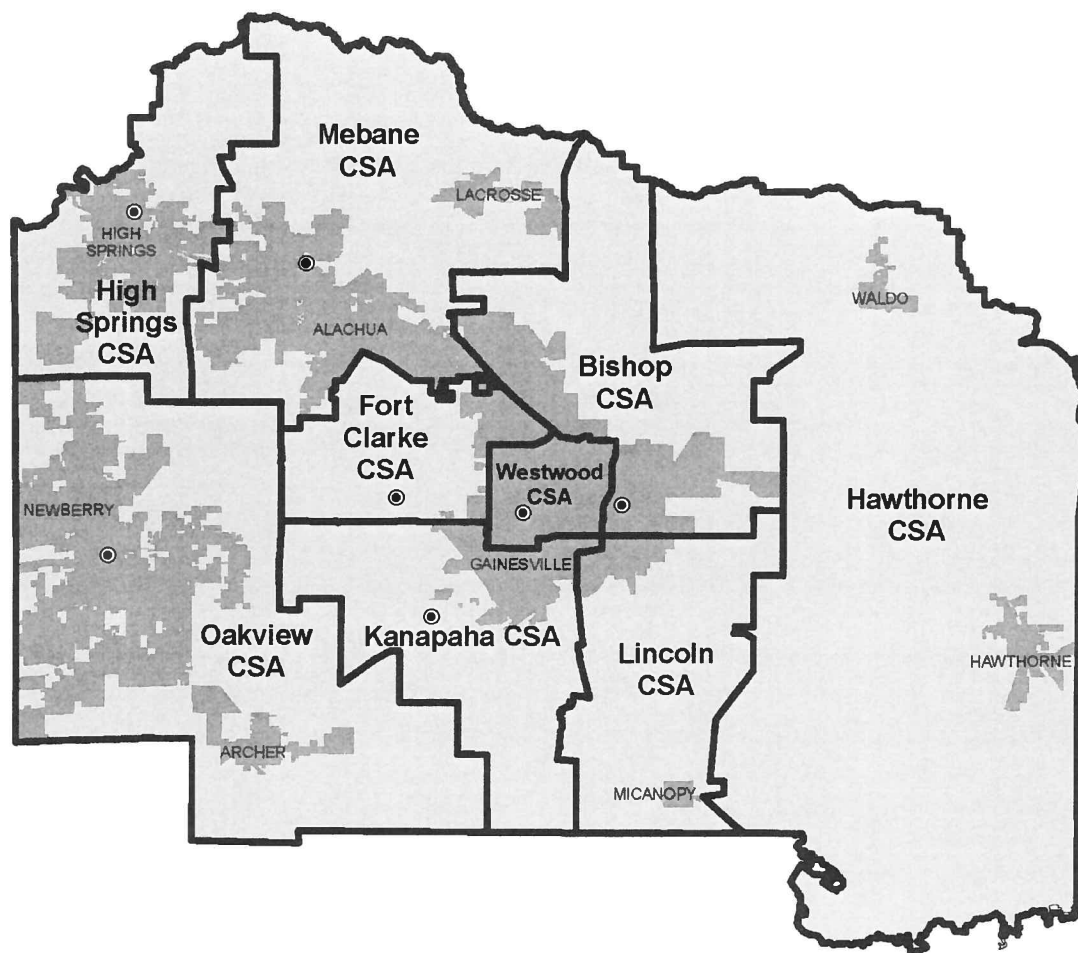
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Map 1 High Schools and High School Concurrency Service Areas



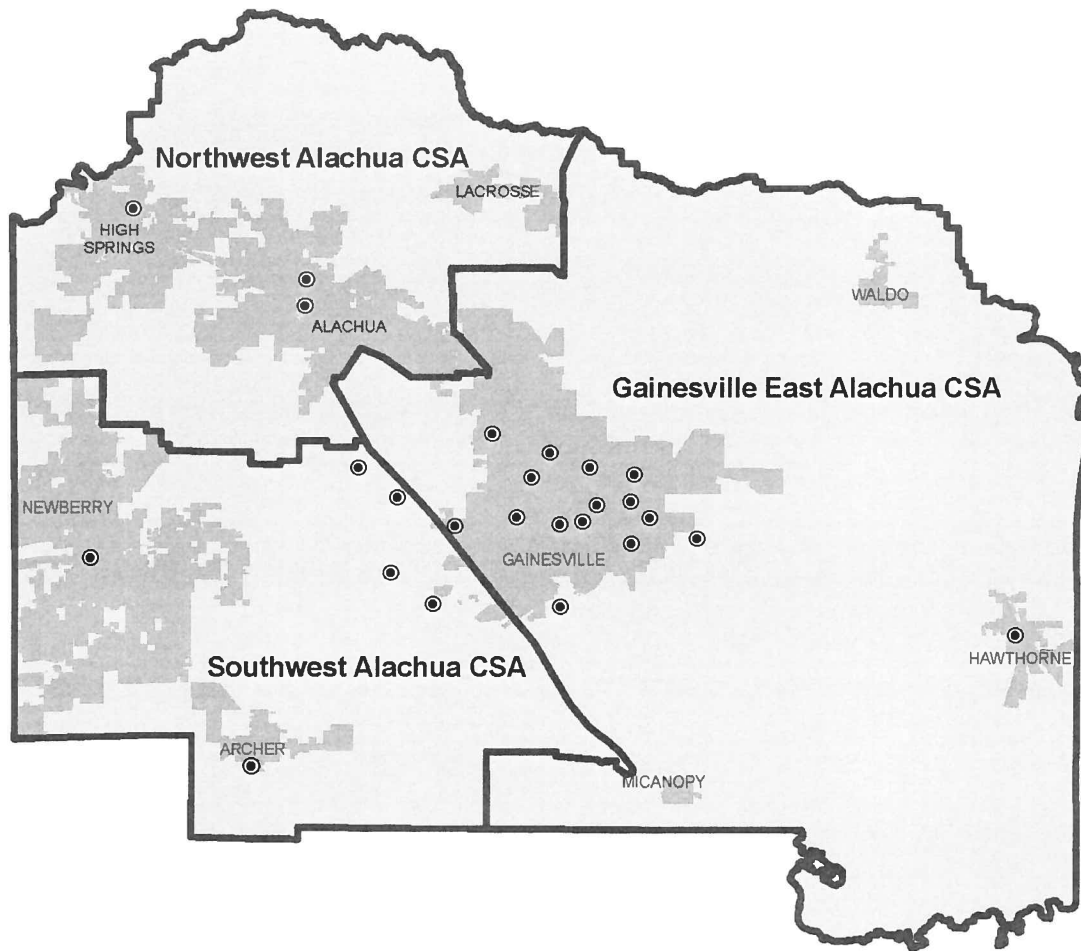
● High Schools
 □ CSA Boundaries
 ■ City Boundaries
 □ County Boundary

Map 2 Middle Schools and Middle School Concurrency Service Areas



● Middle Schools
 □ CSA Boundaries
 ■ City Boundaries
 □ County Boundary

Map 3 Elementary Schools and Elementary School Concurrency Service Areas



● Elementary Schools CSA Boundaries City Boundaries County Boundary

Revised 2017