



A Pay As You Grow Plan For Florida's Future

IMPLEMENTING FLORIDA'S LANDMARK NEW GROWTH LAWS

Public School Facilities

Florida Department of Community Affairs

Florida Department of Education

SB 360 – Planning Requirements



- Signed into law June 24, 2005; Effective July 1, 2005
- Requires all local governments and school boards not eligible for a waiver or exemption to adopt school concurrency by December 1, 2008.
- Directs Department of Community Affairs to establish a phased schedule for adoption of the public school facilities element and required updates to interlocal agreements



SB 360 - New Funding

- In addition to regular ongoing funding:
 - Provides \$113.4 million for 2005-06 to fund school construction
 - Provides \$75 million thereafter



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Panel Glimpses Crowded School

Haines City High School, built for 1,000 students, has 1,900.

By JAMES SMITH
HAINES CITY — Members of the Haines City High School School Board...

watched a video about the student...
already had 50 new students who didn't...

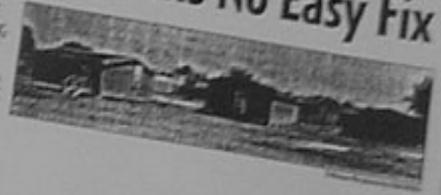
OUR OPINION The Need For Unified Approach To School Siting Decisions

Growth and School Desks

METRO

Packed Classrooms No Easy Fix

COUNTY MAY FORM TASK FORCE
ON SCHOOLS, HOUSING



A Taxing Issue: Crowded Schools



Not only is the tax rate...
The school board...

Schools in Crisis

OPINION

For Unified Approach To School Siting Decisions

It would be a shame...
The school board...

Growth Cramps Haines City High

Population jumps test Polk's ability to keep up.

By JAMES SMITH
HAINES CITY — Students at Haines City High School...

At a Glance

1000 Normal Drive, Haines City, Fla. 33844
Phone: 888-333-7777, Fax: 888-333-7777

• Opened: 1978
• Enrollment: 1,900 (Est. 10, 2001) (Peak)
• Number of teachers: 87
• Pupil/teacher ratio: 21.8 (2001)

Category	Current	Target
Student body enrollment	48%	54%
White	21%	27%
Hispanic	23%	17%
Other (not in 1 percent)	—	—
Class size (average)	25.1	21.4
Special-needs	5.5%	5.0%
Graduation rate	68.7%	69.2%
Mortality	44.7%	39.7%
Students with limited English skills	4.0%	2.7%
Teacher attendance	92.7%	93.0%



Opening of New Polk Schools Delayed

Local groups...
The school board...

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Purpose

- Florida's population projected to increase by another 30% by 2020 (from ~18 million to almost 23 million)
- Schools struggling to keep pace
- Concurrency intended to forge a tighter link between development and school capacity
- It is a "pay-as-you-grow" plan



Benefits of School Planning

- Provides mechanisms for ensuring a community is adequately served with schools
- Ensures better coordination between schools plans and local plans
- Results in stronger ties between the development approvals and school capacity
- Raises local decision maker's awareness of school capacity and programming issues
- Results in more resources being coordinated and directed to issue areas



General Requirements

- All local governments must adopt consistent public school facilities elements (PSFE) to comply with Section 163.3177(12), F.S.
- All local governments and school board must update interlocal agreement (ILA) consistent Sections 163.31777 and 163.3180(g), F.S.



General Requirements

- All local governments must adopt amendments to their capital improvements element:
 - Financially feasible public school capital facilities program
 - Annual update
- All local governments must amend their intergovernmental coordination element consistent with requirements of Sections 163.3177(6)(h)1 & 2



General Requirements

- All local governments not eligible for a waiver or exemption must update interlocal agreement and adopt public school facilities element incorporating concurrency by December 1, 2008:
 - Apply concurrency district-wide initially; must be at sub-district level within 5 years
 - levels of service must be uniform county-wide
 - proportionate share mitigation must be allowed
- It must be a uniform system in terms of level of service standards, implementation requirements, and proportionate share mitigation



Statutes and Rules



- Section 163.3177(12), F.S. – Public School Facilities Element; waivers and exemptions; schedule; penalties
- Sections 163.31777 and 163.3180(13)(g), F.S. – Interlocal agreement
- Section 163.3180(13) – General school concurrency requirements
- Rule 9J-5.025, F.A.C. – Minimum criteria for Public School Facilities Element



Waivers

- Available only on a district-wide basis
- Approved by DCA with DOE concurrence
- Criteria:
 - capacity rate for all schools cannot exceed 100%
 - projected 5-year student growth rate less than 10%
- In some cases, a waiver may still be granted if only a single school exceeds 100%



Waivers

- Application forms available on DCA school page web site
- Valid for 2 years, unless data and analysis support a longer or shorter time frame
- Must be submitted jointly by all local governments and school board
- Must be approved by elected body



Exemptions

- Municipalities in districts not eligible for waiver may qualify for exemption
- Submit request (with data and analysis) to DCA as soon as possible, but not later than transmittal of PSFE and ILA by county and school board
- School Board verification required
- Must reassess exemption status at time of Evaluation and Appraisal Report
- Must comply within 1 year of SB proposing school within jurisdiction



Exemptions

- Exemption criteria:
 - Development orders issued for fewer than 50 dwelling units during preceding 5 years, or fewer than 25 additional students generated during preceding 5 years; and
 - No land annexed during preceding five years that permits residential uses affecting school attendance rates
 - No public schools within jurisdiction



Adoption Schedule

- DCA directed to establish phased adoption schedule
- Schedule runs Jan 1, 2008 to Dec 1, 2008
- Published in FAW August 5, 2005; mailed to each Local Government and School Board; and at DCA web site:
<http://www.dca.state.fl.us/fdcp/dcp/SchoolPlanning/>
- Schedule is adoption due date, not transmittal



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Adoption Schedule

- Schedule applies to:
 - plan amendments
 - updated interlocal agreement
- All local governments within county due at the same time



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Penalties

- Local government precluded from adopting plan amendments which increase residential density
- School Board subject to sanctions imposed by Administration Commission involving the withholding of construction funds



Interlocal Agreement

- Update existing ILA: local governments exempt before may not be exempt now
- Purpose of ILA is to assure a uniform school concurrency system throughout district and to serve as starting point for the development of the PSFE
- Requires consensus on level of service standards, concurrency service areas, maximum utilization of capacity, annual adoption of CIP, options for proportionate-share mitigation, implementation procedures, and procedures to amend ILA



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Interlocal Agreement

- ILA must meet criteria of sections 163.31777 and 163.3180(13)(g), F.S.
- Single interlocal agreement encouraged
- To be submitted to DCA prior to or at same time as comp plan amendments
- Subject to compliance review



Public School Facilities Element

- All non-exempt local governments must adopt PSFEs which are consistent with one another and which meet the criteria of s.163.3177(12), F.S., and Rule 9J-5.025, FAC
- Purpose is to ensure that public school concurrency system is based on appropriate and relevant data and analysis and that consistent goals, objectives, and policies are adopted



Public School Facilities Element



- PSFE must address:
 - correction of existing deficiencies,
 - ensure adequate school capacity for the 5-year and long term planning periods,
 - coordinate school location with residential development,
 - ensure necessary supporting infrastructure,
 - include options for proportionate-share mitigation, and
 - procedures for school site selection



Public School Facilities Element



- Must include maps of the general locations of schools for 5-year and long term periods
- Exempt from the twice per year limitation



Capital Improvements Element

- Must incorporate a financially feasible public school capital facilities program established in conjunction with School Board
- Must incorporate level of service standards
- Must update public school capital facilities program annually



Intergovernmental Coordination Element



- Must satisfy requirements for intergovernmental coordination set forth at Sections 163.3177(6)(h)1. and 2.
 - Comprehensive plan must be coordinated with plans of school board
 - Must establish joint processes for population projections and school siting



Level of Service Standards



- Established in conjunction with school board
- Must be district-wide and apply to all schools of the same type; can have different level of service standards for different types of schools
- Incorporate into capital improvements element
- May use tiered level of service standards



Concurrency Service Areas



- Area within which level of service is measured
- Examples: district, sub-district, school attendance zones
- Encouraged to initially adopt a district-wide concurrency service area
- Within 5 years of adoption of school concurrency, must adopt less than district-wide service areas



Concurrency Service Areas



- For less than district-wide service areas, must demonstrate that utilization of school capacity is maximized to greatest extent possible
- Include service areas and criteria for establishing/modifying as supporting data and analysis*
- If less than district-wide, must consider capacity in adjacent service areas and shift development impacts as needed to meet LOS



* Conflict exists between s. 163.3180(13)(c) and 163.3180(13)(g)5



Availability standard



- School concurrency applied to residential development
- Applied at time of site plan, final subdivision approval, or the functional equivalent, for a development or phase of development
- Adequate capacity must be in place or under actual construction within 3 years
- Developer can satisfy school concurrency through mitigation proportionate to the demand



Proportionate Share Mitigation



- Developer must execute legally binding development agreement with local government and school board
- Mitigation must be proportionate to demand from actual development and take into account previously allowed residential density

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Proportionate Share Mitigation



- Options include:
 - Contribution of land
 - Payment for construction or land acquisition
 - Actual construction
 - Creation of mitigation banking based on construction of a school facility in exchange for right to sell capacity credits

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Proportionate Share Mitigation

- Amount must be credited toward any other impact fee or exaction for same need
- Must be directed by the school board to a school capacity improvement identified in 5-year district work plan which satisfies demands created by that development



Key Documents Affected

- Interlocal Agreement
- Public Schools Facilities Element
- Capital Improvements Element
- Intergovernmental Coordination Element



Technical Assistance



- Expedited Interlocal Agreement Incentive
 - Direct financial assistance to lead local agency
 - Base amount plus adjustments for number of students and municipalities.
 - Must have executed contract with DCA by December 31, 2005
 - Updated agreement due by September 1, 2006
 - DCA will have employees dedicated to assist



Technical Assistance

- Pilot Communities
 - Why Pilots? Provide models for other communities to follow and/or draw from before statutory due dates
 - 6 pilot communities will prepare examples
 - Draft ILA due March 1, 2006
 - Draft PSFE by June 1, 2006
 - Will be posted on DCA web site in downloadable format



Technical Assistance

- Planning Consultant
 - Will produce specific deliverables, such as proportionate-share mitigation methodologies, alternative approaches to establishing LOSS
 - Will be available to assist pilot communities
 - Will be available to other local governments based on need and availability of funding



Technical Assistance

- Best Planning Practices for Coordinated School Planning
- Technical Workshops
- DCA web site:
<http://www.dca.state.fl.us/growthmanagement2005/>



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