

School Planning Coordination

2011 Legislative Session Growth Management Update

FEFPA Summer 2011 Conference

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2011 Legislative Session Update

Workshop Overview

- 2011 Session impacts on school planning
- Review the Community Planning Act
- Discuss how the changes affect your work



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Session Themes

- Education Reform
- State Government Reform
- Growth Management Reform



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Education Reform

- HB 7197: Digital Learning Act (Ch. 2011-137)
- HB 1255: Educational Accountability (Ch. 2011-175)
- HB 1329: School Choice (Ch. 2011-127)
- SB 1546: School Choice (Ch. 2011-232)
- SB 404: Boarding Academy Pilot Program (Ch. 2011-236)
- SB 2120: K-12 Education Funding (Ch. 2011-55)

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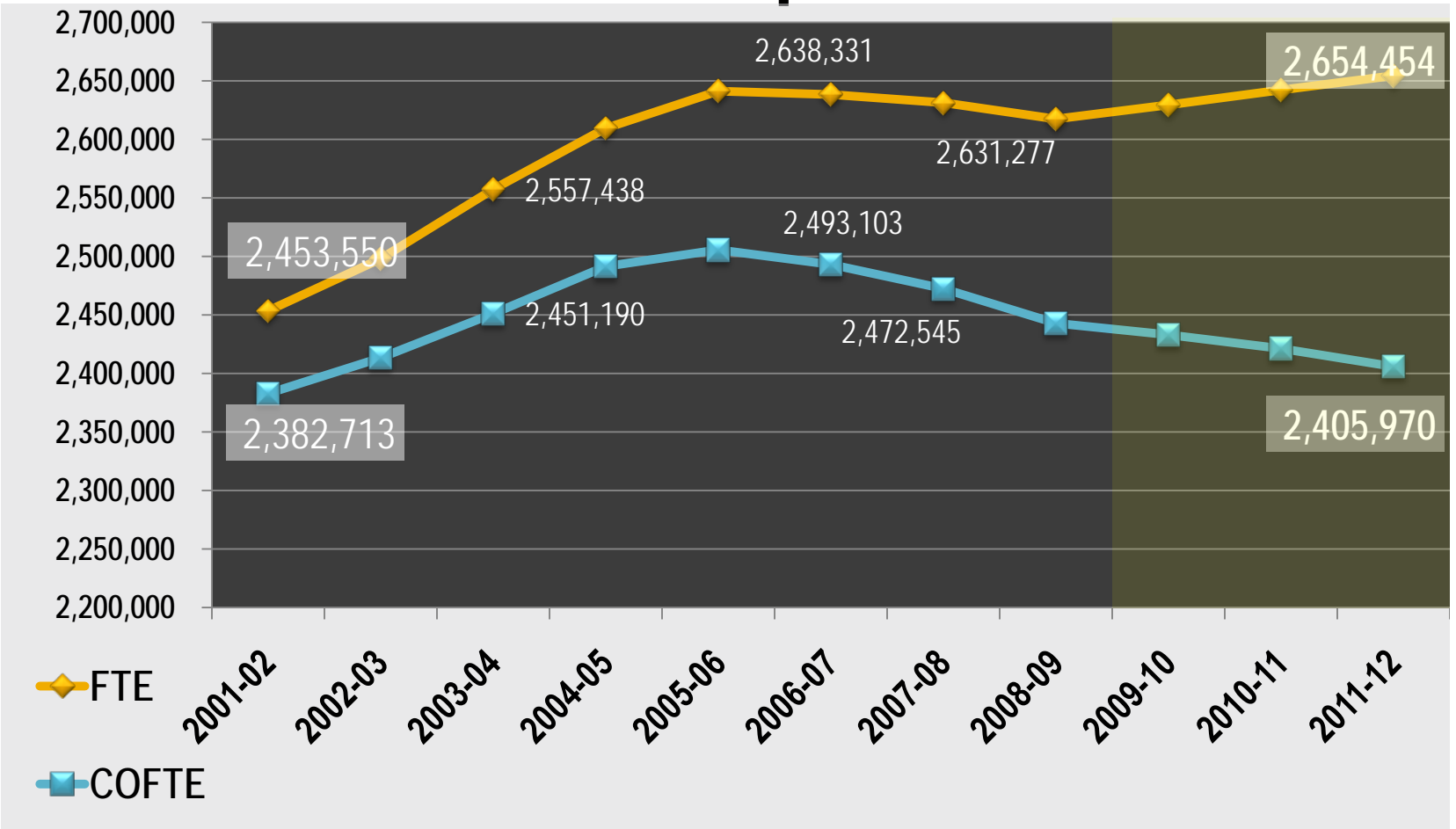
Education Reform Impacts on COFTE

FTE	COFTE
Students instructed in School Facility	Students instructed in School Facility
Conversion Charters	Conversion Charters
Regular Charter	
McKay	
DJJ	
FLVS, Franchise (7004), and VIP (7001)	
Homebound	
Superintendent's Office	
OJT (On the Job Training)	
Dual Enrollment – off campus	

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Education Reform Impacts on COFTE



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State Government Reform

- SB 2156: Governmental Reorganization (Ch. 2011-142)
 - Creates the Department of Economic Opportunity
 - October 1, 2011 becomes the State Land Planning Agency
 - Division of Community Planning + Division of Housing and Community Development = Division of Community Development
 - Florida Building Commission transfers to Dept. of Business and Professional Regulation
 - Division of Emergency Management to Governor's Office
 - Transfers the Office of Early Learning to the Department of Education



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Growth Management Reform

- HB 7207: Community Planning Act (Ch. 2011-139)
- SB 2156: Governmental Reorganization
(Ch. 2011-142)
- SB 410: Impact Fees (Ch. 2011-149)
- HB 7001: Growth Management (Ch. 2011-14)



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Community Planning Act

What's new?

- Emphasis on “return control to locals”
- Emphasis on “build-out” planning
- School concurrency optional
- Plan review procedures (expedited, coordinated, small-scale)
- Standards for challenging plan compliance
 - Limited to “important state resources or facilities”

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Community Planning Act

What's new?

- Requirements of 9J-5 in law
- EAR "letter" replaces sufficiency review
 - Lose assessment of effectiveness of land use-school planning coordination
- DRI review exemptions:
 - Mining, industrial, hotel, and multi-screen movie theatres

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Community Planning Act

What's repealed?

- Mandate for Public School Facilities Element
- Mandate for concurrency for schools, parks and transportation facilities
- Rules 9J-5 and 9J-11.023
- Twice-per-year limit on plan amendments
- Financial feasibility – comp plan's CIE



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Community Planning Act

Community Planning Act and Schools

- No significant change in standards for school planning coordination
- Requires higher level of school district engagement in county and city planning
 - Importance of Public Schools Interlocal Agreement
 - Importance of School Board Role on Local Planning Agency



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Community Planning Act

Community Planning Act and Schools

- Future Land Use Element and Map
 - Must accommodate at least 10 years of growth based on BEBR medium population projections
- Sector Plans
- Rural Land Stewardship Areas



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Community Planning Act

Community Planning Act and Schools

- Sector Plans
 - Areas 15,000 acres or more
 - Master plan through plan amendment; DRI review waived but DO must be rendered to DCA
 - *Planning period may be longer than the plan's horizon*
 - No requirement to demonstrate need
 - Does not establish specific requirements for schools

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Community Planning Act

Community Planning Act and Schools

- Rural Land Stewardship Areas
 - Areas 10,000 acres or more
 - Future land use map overlay
 - No requirement to demonstrate need
 - Does not establish specific requirements for schools but requires functional mix of uses

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Community Planning Act

Community Planning Act and Schools

- Retains long-standing coordination policies
 - Local planning agency must include school board representative
 - School boards must review plan amendments for impacts on sites and capacity
 - Adequate capacity analysis can be considered in determining compliance
 - Recognizes local “home rule” authority to require adequate public school capacity

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Community Planning Act

Community Planning Act and Schools

- Retains long-standing coordination policies
 - Plan policies must address school-siting , intergovernmental coordination procedures, and capital planning coordination procedures
 - Adequate school sites on future land use map
 - Public schools interlocal agreement
 - No waivers; no exemptions



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Community Planning Act

Community Planning Act and Schools

- School Concurrency is optional
 - Implementation may continue without the need for further action
 - Amendment of interlocal agreement and plan amendment required to discontinue
 - ILA amendments require mutual agreement
 - Such amendments not subject to state review
 - Clarifies that a city's failure to adopt does not preclude implementation by others

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Community Planning Act

Community Planning Act and Schools

- Standards for Optional School Concurrency
 - Generally the same as those for mandated school concurrency
 - Criteria for determining available capacity revised:
 - Relocatables included in the educational facilities plan for continued long-term use must be included
 - Requires ILA/plan amendment at next update

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Community Planning Act

Community Planning Act and Schools

- Standards for optional school concurrency
 - School concurrency service areas
 - Preference for districtwide areas
 - Retains standards for establishing smaller CSAs
 - Adds prohibition on moving a development's students to a contiguous CSA unless the attendance area is rezoned

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Community Planning Act

Community Planning Act and Schools

- Standards for optional school concurrency
 - Municipal exemption in certain cases
 - Issued development orders for fewer than 50 units in previous 5 years, or
 - Generated fewer than 25 new students in previous 5 years
 - No annexations of residential lands
 - At least 80% of developable land built out



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Community Planning Act

Community Planning Act and Schools

- Standards for optional school concurrency
 - Proportionate fair share
 - To limit liability, a development can proceed, even if it fails school concurrency, if the following conditions are present:
 - consistent with the comprehensive plan; and
 - the CIE and facilities plan provide for adequate school facilities but have not been implemented, or the project includes a reasonable plan to provide needed capacity; and
 - the local government and school board provide a means to assess the landowner a proportionate share of the cost of providing the capacity to serve the development.

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Community Planning Act

Community Planning Act and Schools

- Standards for optional school concurrency
 - Mapping requirements repealed
 - Including maps would be a good practice, at least in data and analysis



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Community Planning Act and Schools

- Are schools “important state resources or facilities”?
 - Must identify adverse impact with specificity
 - Must identify measures to reduce, eliminate or mitigate the adverse impact
 - DCA can appeal – if requested



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Community Planning Act

Community Planning Act and Schools

- Have you read ss. 1013.33 and 1013.35 lately?
 - Parallels many of the Community Planning Act requirements
 - Legal standards that apply to the coordination process – including considering the educational facilities in the capital improvements element
 - Leverage these standards in your reviews!

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Technical Assistance

Helpful websites

- Department of Community Affairs
 - Community Planning Page
 - <http://www.dca.state.fl.us/fdcp/dcp/index.cfm>
 - Challenge to Comprehensive Plan Amendment
 - <http://www.dca.state.fl.us/fdcp/dcp/Procedures/CitizenChallengeProcedures.cfm>

- Department of Education
 - School Planning (updates soon)
 - <http://www.fldoe.org/edfacil/concurrency.asp>
 - COFTE
 - <http://www.fldoe.org/fefp/studentenroll.asp>
 - Legislative Tracking
 - <http://www.fldoe.org/cefo/folt.asp>

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Technical Assistance

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