

### **9J-5.025 Public School Facilities Element for Public School Concurrency.**

Public school concurrency may be imposed by local option. If the school board and the local governments within the school district choose to adopt public school concurrency, each local government must adopt a public school facilities element which meets the minimum criteria of this section. Public school concurrency is intended to ensure that the capacity of schools is sufficient to support development at the adopted level of service standard. These minimum criteria are intended to assure coordination between local governments and the school board in planning and permitting development and in building and adding capacity to schools so that school capacity at the adopted level of service standard is available at the time of the impacts of development. Local governments wishing to adopt an optional educational element which is not for the purpose of imposing school concurrency are not required to comply with these minimum criteria.

#### **(1) Definitions applicable to Rule 9J-5.025, F.A.C.**

- (a) "Ancillary Plant" has the meaning described in Section 235.011(1), F.S.
- (b) "Appropriate level of service standard" means school facilities adequate for the purpose of providing education for the projected enrollment that can be achieved and maintained throughout each year of the five-year planning period.
- (c) "Educational Plant Survey" has the meaning described in Section 235.011(7), F.S.
- (d) "FISH" means Florida Inventory of School Houses and has the meaning described in Section 235.15, F.S.
- (e) "Public school concurrency service area" or "concurrency service area" means the geographic unit adopted by the local governments within which school concurrency is applied and determined.

#### **(2) Data and Analysis Requirements. The element shall be based upon the following data and analysis requirements pursuant to subsection 9J-5.005(2), F.A.C.**

- (a) For each school facility: the existing enrollment, existing school attendance zones, existing FISH capacity or other professionally accepted measure of capacity; surplus capacity based on site size requirements contained within Department of Education design criteria, and existing level of service, utilizing the five-year school district facilities work program adopted pursuant to Section 235.185, F.S., and the educational plant survey.
- (b) For each school facility: the projected enrollment by year for the initial five years of the planning period, and projected enrollment district-wide by school type for the end of the long range planning period of the host county, based on projected population.
- (c) Existing and projected school facility surpluses and deficiencies by concurrency service area by year for the five-year planning period, and district-wide by school type for the end of the long range planning period of the host county based on projected enrollment.
- (d) An analysis of the adequacy of the existing level of service conditions for each school facility in order to develop appropriate level of service standards.
- (e) School facilities needed for each concurrency service area to accommodate projected enrollment at the adopted level of service standard each year for the five-year planning period, and for the end of the long range planning period of the host county, including

ancillary plants and land area requirements. The plan shall explain the relationship, if any, of the ancillary plants to school concurrency.

- (f) Analysis of problems and opportunities with existing public school facilities and projected public school facilities planned in the adopted district facilities work program, including location, supporting infrastructure, and overcrowding in relation to achieving and maintaining level of service standards for the five-year planning period and for the end of the long range planning period of the host county, including: opportunities and problems in collocating existing projected public school facilities with other public facilities such as parks, libraries and community centers; the need for supporting infrastructure, including, water, sewer, roads, drainage, sidewalks and bus stops for existing and projected public school facilities; and analysis of opportunities to locate public school facilities to serve as community focal points.
- (g) Existing revenue sources and funding mechanisms available for school capital improvement financing; the estimated cost of addressing existing deficiencies and future needs identified above by year for the five-year planning period, and for the end of the long range planning period of the host county.
- (h) The estimated cost of needed school capital improvements to correct deficiencies and meet future needs based on achieving and maintaining the adopted level of service standard identified by year for the five-year planning period, and for the end of the long range planning period of the host county.
- (i) An assessment of the ability to finance capital improvements based upon projected enrollment and revenues during the five-year planning period: forecasting of revenues and expenditures for five years; projections of debt service obligations for currently outstanding bond issues; projection of ad valorem tax base, assessment ratio and millage rate; projections of other tax bases and other revenue sources, such as, impact and user fees; projection of facilities (and not program) operating cost considerations; and projection of debt capacity.
- (j) Data and analysis showing how school concurrency costs will be met and shared by all affected parties, consistent with the requirement for a financially feasible capital improvements program for public schools.

### (3) Requirements for Public School Facilities Goals, Objectives, and Policies.

- (a) The public school facilities element shall contain one or more adopted goal statements which establish the long-term end toward which public school programs and activities are ultimately directed.
- (b) The element shall contain one or more specific objectives for each goal statement which address the requirements of paragraph 163.3177(12)(d), F.S., and which:
  1. Address correction of existing school facility deficiencies and facilities needed to meet future needs.
  2. Ensure adequate school facility capacity consistent with the adopted level of service standard for each year of the five-year planning period and the long term planning period of the host county.
  3. Ensure the inclusion in the five-year schedule of capital improvements of those projects necessary to address existing deficiencies, and to meet future needs based

upon achieving and maintaining the adopted level of service standards for each year of the five-year planning period.

4. Coordinate the location of public schools with the future land use map or map series of the relevant jurisdiction to ensure that existing and proposed school facilities are located consistent with the existing and proposed residential areas they serve and are proximate to appropriate existing and future land uses. The use of schools to serve as community focal points should also be addressed.
  5. Coordinate existing and planned public school facilities with the plans for supporting infrastructure.
  6. Coordinate location of public school facilities relative to the location of other public facilities such as parks, libraries and community centers to the extent possible.
- (c) The element shall contain one or more adopted policies for each objective which establish the way in which programs and activities will be conducted to achieve an identified goal. At a minimum, the policies shall include:
1. If the school concurrency service area is less than district-wide, a policy which establishes guidelines and standards for modification of school concurrency service areas and changes in the use of schools. The policy shall ensure that the adopted level of service standards will be achieved and maintained for each year of the five-year planning period. The policy shall include standards for revision of concurrency service area boundaries to ensure that the utilization of school capacity is maximized to the greatest extent possible, taking into account transportation costs, court approved desegregation plans, as well as other factors.
  2. A policy which requires the adoption of annual plan amendments adding a new fifth year, updating the financially feasible public schools capital facilities program, coordinating the program with the 5-year district facilities work plan, the plans of other local governments, and, as necessary, updates to the concurrency service area map. The annual plan amendments shall ensure that the capital improvements program continues to be financially feasible and that the level of service standards will continue to be achieved and maintained.
  3. A policy addressing coordination of the annual review of the element with the school board, the county, and applicable municipalities; coordination of annual review of school enrollment projections, and establishing the procedures for the annual update process.
  4. A policy addressing coordination of school site selection, permitting, and collocation of school sites with other public facilities such as parks, libraries and community centers.
  5. A policy addressing provision of supporting infrastructure such as water and sewer, roads, drainage, sidewalks and bus stops for existing and projected public school facilities; and measures to ensure compatibility and close integration between public school facilities and surrounding land uses.
  6. A policy addressing coordination of the long range public school facility map with the local government's comprehensive plan, including the future land use map.
  7. A policy establishing level of service standards for public school facilities which can be achieved and maintained throughout the five-year planning period. Local governments adopting level of service standards using a measurement of capacity

other than FISH, shall include appropriate data and analysis in support of such alternative measure.

8. If concurrency is not applied district-wide, a policy providing that development can proceed if the level of service standard is exceeded for a project, but capacity exists in one or more contiguous school concurrency service areas as adopted by the local government.
9. Policies specifying types of mitigation that a school board will allow to meet concurrency, and policies assuring that any mitigation funds provided as a result of the school concurrency system are utilized by the school board for appropriate school facilities.
10. A policy establishing measures to ensure compatibility of school sites and surrounding land uses.
11. A policy addressing coordination with adjacent local governments and the school district on emergency preparedness issues.

(4) The element shall include the following maps:

- (a) A map or maps depicting existing location of public school facilities by type and existing location of ancillary plants.
- (b) A future conditions map or map series which depicts the planned general location of public school facilities and ancillary plants by year for the five-year planning period, and for the end of the long range planning period of the host county.
- (c) When the school concurrency service area is less than district-wide, a map or map series which depicts the school concurrency service areas.

Specific Authority 163.3177(9), 163.3180(13) FS., as amended by Chapter 98-176, Laws of Florida. Law Implemented 163.3177(12), 163.3180(12) FS., as amended by Chapter 98-176, Laws of Florida. History—New 10-20-98.

