



City of
**DEERFIELD
BEACH**

COMPREHENSIVE PLAN

PUBLIC SCHOOL FACILITIES ELEMENT

VOLUME 11.0



DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

**PUBLIC SCHOOLS FACILITIES ELEMENT
OF THE
DEERFIELD BEACH COMPREHENSIVE PLAN**

ADOPTED JUNE 19, 2012

Prepared by the
City of Deerfield Beach

In compliance with the Local Government Comprehensive Planning and
Land Development Regulation Act and Florida State Statutes as amended

CITY OF DEERFIELD BEACH

Commissioners

Peggy Noland, Mayor
Bill Ganz, Vice Mayor
Joe Miller
Martin Popelsky
Ben Preston

City Planning and Zoning Board Members

Todd Drosky, Chair
Ray Lavoie, Vice Chair
Brian Bennett
Robert Brown
John Hillman

Alternates:

Reva Behr
Cody Loomis
Kathleen Maggi
Brett Roy

Planning and Growth Management

Gerald R. Ferguson, AICP, Director
Marcia Stevens, AICP, Chief Planner
Amanda Martinez, Chief Planner
Naydu Glueckert, Zoning Inspector
Daidre Mitchell, Office Supervisor
Theo Jackson, Office Specialist

Prepared by the
City of Deerfield Beach

In compliance with the Local Government Comprehensive Planning and
Land Development Regulation Act and Florida State Statute 163 9j-5.025

TABLE OF CONTENTS

11.1	Introduction of Public School Facilities Planning	1
11.1.1	Purpose of Public School Facility Planning	1
11.1.2	Definitions	1
11.1.3	Public School Facilities Element (PSFE) Requirements	2
11.1.4	Concurrency Management System (CMS)	3
11.1.5	Collaborative Planning Process and Intergovernmental Coordination	4
11.1.6	Level of Service (LOS) Standard Methodology	4
11.1.7	Problems and Opportunities for Existing and Future Schools	5
11.1.7.1	Land Availability	5
11.1.7.2	Construction Costs and Revenue Sources	5
11.1.7.3	Declining Enrollment Projections	5
11.1.7.4	Class Size Reduction Requirements	6
11.1.7.5	Florida Class Size Amendment 2011 Legislative Session	7
11.1.7.6	Options for Reducing Capacity	8
11.2	Goals, Objectives and Policies	11
11.3	Data Analysis	17

TABLES, MAPS AND APPENDICES

TABLES

11.1	Summary of Enrollment Projections	6
11.2	Charter Schools Serving Elementary, Middle, and High School Students	10

APPENDICES

Appendix A	City of Deerfield Beach Second Interlocal Agreement For Public School Facilities
------------	--

11.0 PUBLIC SCHOOL FACILITIES ELEMENT

11.1 INTRODUCTION OF PUBLIC SCHOOL FACILITIES PLANNING

11.1.1 PURPOSE OF PUBLIC SCHOOL FACILITIES PLANNING

Over the past decade, the Florida Legislature strengthened the ties between school planning, general land use and comprehensive planning with the adoption of Senate Bill 360. However in 2011, the Legislature reversed course and repealed many provisions of Senate Bill 360 including mandatory school concurrency, with the passage of the Community Planning Act (House Bill 7207). This act shifts more regulatory discretion to local governments and reduces state oversight in comprehensive planning. The adopted provisions of House Bill 7207 include the following:

- Requirement for a Public School Facility Element is deleted.
- State mandated school concurrency is optional.
- Data, analysis and mapping requirements are relaxed.

11.1.2 DEFINITIONS

The following terms used throughout this element are defined below for clarification. Original sources of definitions are given in parenthesis.

Ancillary Plant – is comprised of a building, site and site improvements necessary to provide such facilities as vehicle maintenance, warehouses, maintenance, or administration buildings necessary to provide support services to an educational program.

Appropriate level of service standard – 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.

Educational Plant Survey – a systematic study of present educational and ancillary plants and the determination of future needs to provide an appropriate educational program and services for each student based on projected capital outlay FTE's approved by the Department of Education.

FISH – Florida Inventory of School Houses

Public school concurrency service – the geographic unit adopted by the local governments within which school concurrency is applied or determined.

11.1.3 PUBLIC SCHOOL FACILITIES ELEMENT (PSFE) REQUIREMENTS

With the passing of House Bill 7207, local governments have the option to repeal or continue implementing public school concurrency. Local governments, who choose to continue implementing concurrency, may do so under provision set forth in s.163.3177 (1), 163.31777, and 163.3180 (6) (a). Broward County and the City of Deerfield Beach will continue to implement the provisions according to state statute and the Interlocal Agreement (ILA) for Public School Facilities.

1.)- The Public School Facilities Element's goals, objectives, and policies (GOPs) shall address the following areas:

- Procedure of annual update process;
- Procedure for school site selection;
- Procedure for school permitting;
- Provision of infrastructure necessary to support proposed schools;
- Provision for collocation of other public facilities in proximity to public schools;
- Provision for location of schools proximate to residential areas and to complement patterns of development;
- Measures to ensure compatibility of school sites and surrounding land uses; and
- Coordination with adjacent local governments and the school district on emergency preparedness issues.

2.) The data and analysis section of the PSFE shall address the following:

- How level-of-service standards will be achieved and maintained;
- The ILA adopted pursuant to s. 163.31777 and the 5-year school District Educational Facilities Program (DEFP) including LOS maps, pursuant to s. 1013.35;
- The Educational Plant Survey prepared pursuant to s. 1013.31 and an existing educational map or map series;
- Projected future population and associated demographics, including development patterns year by year for the upcoming 5-year and long-term planning periods.
- Information on existing development and development anticipated for the next 5 years and the long-term planning period;

- An analysis of problems and opportunities for existing schools and schools anticipated in the future;
- An analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers as per the ILA;

11.1.4 CONCURRENCY MANAGEMENT SYSTEM (CMS)

The Concurrency Management System (CMS) for the City of Deerfield Beach is an intergovernmental effort, which is mandated by the provisions of the Broward County Charter and Land Development Code and the City’s Comprehensive Plan. The public school facility CMS operates according to the state mandated requirements (Section 163.31777 F.S. and 163.3180 F.S.) and the adopted School Board’s Interlocal Agreement for Public School Facility Planning with the City of Deerfield Beach. The CMS ensures that the adopted LOS for public school facilities is achieved and maintained for each school type and Concurrency Service Area (CSA).

Unlike the CMS for roads, sanitary sewer, solid waste, drainage, potable water, recreation and mass transit, which is the responsibility of local governments, the school board has the responsibility of providing educational facilities that meet the needs of current and future students per their adopted Five Year District Educational Facilities Plan (DEFP). The City of Deerfield Beach does not have the authority or control of the funding sources for new or renovated schools, which would add student capacity. Since the local school board isn’t empowered by the state constitution to implement a CMS, they must rely upon the local governments for funding and coordination through their Land Development Regulations (LDR).

The City and County’s Land Development Regulations each contain Concurrency Management System requirements. These regulations establish plat approval requirements, which must be met prior to the property receiving a development order. Plat approval requirements apply to all land within the county’s jurisdiction. Per Section 8.2 of the ILA, public school concurrency is reviewed at plat or site plan (or functional equivalent) approval.

When a development application is reviewed for school concurrency, it must be determined that the development is exempted or vested per Section 8.11 of the ILA, or it has been issued a School Capacity Availability Determination Letter (SCAD) by the school board indicating adequate school capacity. With the determination of adequate school capacity, the application can be accepted by the County or City for further processing.

If the development application is not exempted or vested, it is subject to school concurrency. The applicant must submit a Public School Impact Application (PSIA) to the applicable local government for review by the school district, according to the provisions and processes outlined in Section 8.13 of the ILA.

11.1.5 COLLABORATIVE PLANNING PROCESS AND INTERGOVERNMENTAL COORDINATION

Since 2006, the school board and city staff have collaborated with the County's School Board Working Group and Oversight Committee to form a consensus on amendments to a model school interlocal agreement and PSFE. Staffs working group subcommittees were also established to manage issues, collocation of school facilities, land use changes and developing urban school standards. These committees continue to meet on a regular basis to implement state and ILA requirements, coordinate updates to the District Educational Financially Feasible Plan (DEFP),-and Concurrency Service Areas (CSA's), and to review proposed amendments to the County and City comprehensive plans.

11.1.6 LEVEL OF SERVICE (LOS) STANDARD METHODOLOY

The LOS for a school facility is based upon the capacity of the school and the number of pupils to be served by the facility. The LOS is expressed as the percentage (ratio) of student enrollment, to the student capacity of the school, and is expressed in terms of Florida Inventory of School Houses (FISH) capacity. FISH capacity is determined by Florida Department of Education guidelines and represents a measure of the physical capacity of the facility itself. FISH capacity includes satisfactory student stations in permanent classrooms. Based on the second amendment to the Interlocal Agreement for Public School Facility Planning, which became effective in September 2010, the level of service standard was uniformly set as 100% of gross capacity (with relocatable classrooms) for each CSA until the end of the 2018/19 school year; and commencing at the 2019/20 school year, the LOS for each CSA shall be 110% of the permanent FISH capacity.

The LOS for individual schools and for CSA is derived from the school district's five-year schedule of capital improvements. This schedule incorporates the Five-Year Educational Facilities Work Program, which is adopted annually by the school board. School capacity and LOS analysis is assigned in a capacity/enrollment and level of service table. This table provides an annual projection of school capacity, enrollment, LOS and available capacity (surpluses or deficiencies), based on the school district's financially feasible capital program.

Annual student enrollment is projected based on the specific function of the educational facility and the characteristics of the school attendance area, historical trends, the current and projected pace of development and the potential of vacant land. Factors such as students attending schools outside their assigned attendance areas due to reassignments, magnet programs, charter schools and other educational choices are also incorporated into the methodology for enrollment projections and for allocating school capacity.

Student enrollment projections are designated geographically, using local development data and the school district student enrollment data. School-by-school enrollment projections by CSA are applied. The school district then identifies general locations of future public schools that need to be constructed over the next five years relative to the location serving the anticipated capacity deficit. School Board Policy 5000 also allows the District a variety of options to lessen the need for additional permanent student stations, such as redistricting, reassignment of students, and expanding the calendar year and hours of school operation.

School enrollments exceeding the available capacity resulting in a LOS greater than 100% gross FISH capacity in the first fiscal year, achieve the LOS standard by the fifth year due to planned capital improvements, which are not available until the final year.

11.1.7 PROBLEMS AND OPPORTUNITIES FOR EXISTING AND FUTURE SCHOOLS

11.1.7.1 Land Availability

A major issue facing the school board is land availability. Due to the last 30 years of rapid growth, existing school sites have become crowded with classroom additions and relocatables. These additions/relocatables have taken over playfields, playgrounds, green space, and parking areas. The demand for larger water retention areas and more parking facilities have also reduced the useable area for educational programs. With current legislation demanding more physical education programs, schools face the dilemma of needing larger playfield areas to meet the new Sunshine Standards for Education.

Due to these site constraints, the school board is developing strategies to reduce the size of the building foot-print for new schools and expand an already aggressive collocation model. By designing a tighter building footprint, and creatively sharing parking and playfield areas, as well as exploring the use of parking garages verse surface parking, the school's site potential is maximized. As a standard practice for collocation, the school district tries to purchase school sites adjacent to parks and recreation areas.

11.1.7.2 Construction Costs & Revenue Sources

A major issue for the expansion and creation of new schools is the shrinking of capital revenue and the rising cost of construction. The school board annually addresses the tough task of balancing the needs for capacity additions, versus capacity maintenance at existing schools. In a district that must maintain an estimated 34 million square feet of space, the need to adequately fund the life cycle replacement of major infrastructure systems (roofing, air conditioning, plumbing, and electrical distribution) is great. The school board has the challenge of not only adding student capacity but maintaining the existing student capacity and its infrastructure.

11.1.7.3 Declining Enrollment Projections

Declining enrollment has offered some unique challenges for the District. First the enrollment decline is not uniform in nature throughout the District, as local communities are aging at different rates. The District is still experiencing growth in certain areas of the County that has stressed the educational facility capacities in that area. School facility planning based on sound enrollment projections has proven to be a crucial component in times of shrinking capital revenue.

The updated five-year student enrollment projections provide a basis for determining capital needs. Table 11.1 summarizes the actual enrollment, by level, for the 2011-2012, and the projected enrollment for the 2016-17 school years. The enrollment projections are compared to the 20th day figures for the current (2011-12) school year. As indicated in the table, a decrease of 1,931 students occurred between 2010-11 and 2011-12.

Table 11.1: Summary of Enrollment Projections

School Type	2010-11 20 th Day Enrollment	2011-12 20 th Day Enrollment	2011-12 Increase/(Decr.) over 2010-11 20th Day	2016-2017 Projected 20 th day enrollment	2016-2017 Increase/(Decr.) over 2010-11 20th Day
Pre-Kindergarten	4,465	4,345	(120)	4,345	0
Elementary (K-5)	101,344	99,252	(2,092)	94,624	(4,628)
Middle	52,369	50,890	(1,479)	48,675	(2,215)
High	69,516	68,921	(595)	66,702	(2,219)
Centers	5,904	5,906	2	5,906	0
Charters	23,274	29,489	6,215	43,547	14,058
TOTAL	256,872	258,803	1,931	263,799	(4,996)

Source: School Board of Broward County, 2010

The District is projected to decrease by a total of 4,996 pre-kindergarten through twelfth grade students, including those in centers and charter schools, by the 2016-17 school year. Enrollment in charter schools is 29,489 this year, with an undetermined number of additional charter schools anticipated in the next year. The increase in charter school enrollment reduced the number of students in existing District facilities. If the increase in charter school enrollment does not continue, then these projected students will impact the capital needs of other public schools in the District. Recent trends in charter school enrollment and current birth data information, indicate that elementary (pre-kindergarten through grade 5) enrollment in the District owned facilities will decrease over the next five years by 4,628 students. Middle school enrollment in the District owned facilities is projected to decrease by 2,215 students and high school enrollment will decrease by 2,219 students. By the end of the five-year planning period, Broward County School District’s enrollment is projected to total over 263,799 students.

11.1.7.4 Class Size Reduction Requirements

In November 2002, Florida voters approved the Class Size Reduction Amendment which mandated that the average class size in core classes (such as Math, English, Science etc.) be set at 18 students for grades pre-k-3, 22 students for grades 4-8, and 25 students for grades 9-12. To achieve this goal for class size reduction, the District has had to allocate much of its financial and human resources on meeting the targets. The target requirement may be implemented in phases as listed below.

- Fiscal Year 2003-04 through 2005-06, class size average was set at the district level;
- Fiscal Year 2006-07 and 2008-2009, class size average was set at the school level;
- The 2009 Legislature extended the calculation at the school level for an additional year to include 2009-2010, and
- Fiscal Year 2010-2011 and thereafter, class size average will be calculated at the individual classroom level.

11.1.7.5 Florida Class Size Amendment 2011 Legislative Session

In 2011, the Florida State Legislature defined what constituted a core class. In the 2010-11 school year, the Florida Department of Education (FDOE) determined that there were 849 core courses. This was later reduced to 296 with the change in the core course definition.

Core Curricular classes include:

- Grades PK-3 – Language arts/reading, mathematics, and science courses.
- Grades 4-8 – Subjects measured by state assessment at any level.
- Grades 9-12 – Subjects that are measured by state assessment or identified specifically by name in statute as required for high school graduation and excludes extra-curricular courses.
- Exceptional Student education (ESE) courses
- English for speakers of other language (ESOL) courses.

Extracurricular courses are defined as courses that are not defined as “core-curricula courses”. They may include, physical education, fine arts, performing fine arts, career education, and courses that may result in college credit.

Exclusions:

- Elementary PK-3 level excludes social studies.
- Elementary grades 4-5 excludes foreign language and social studies .
- Middle school grades 6-8 excludes foreign language and social studies (except civics) and middle school classes that earn high school credit (estimated 370 periods of algebra, geometry, debate, speech and marine sciences).
- High school grades 9-12 excludes primarily foreign languages, social studies classes that do not count towards graduation, and classes that earn college credit that are not included in a state assessment and not required for graduation.

Florida high school students are currently required to complete 24 credits in order to earn a high school diploma. Students must also earn a passing score on the Florida Comprehensive Assessment Teast (FCAT) or attain a passing score on the SAT or ACT. Beginning in the 2011-2012 school year, high school students are also required to pass statewide, standardized end-of-course (EOC) assessments in specific courses to graduate. Beginning with students entering grade 9, in the following school years, courses include geometry (2010-2011), biology (2011-2012), algebra II (2012-2013) and chemistry or physics (2013-2014).

Maximum number of students:

The maximum number of students assigned to each teacher who is teaching core-curricula courses in a public school classroom may not exceed: 18 students in grades PK-3; 22 students in grades 4-8, and 25 students in grades 9-12.

Maximums will be maintained after the October student membership survey except for students enrolled after the October survey. If the School Board determines it to be impractical, educationally unsound, or disruptive to student learning to not assign the student to the class, then the School Board may assign up to 3 students above compliance in grades PK-3 classrooms, and up to 5 students above compliance in grades 4-12. The District must develop a plan that provides for the school to be in full compliance by the next October survey.

Compliance maximums:

Under the 2011 legislation, a timeframe was specified for satisfying and maintaining class size maximums with specific exceptions for an extreme emergency beyond the District’s control or when a student enrolls after the October survey period. Based on the school district’s favorable determination, a student could be assigned to an existing class that temporarily exceeds the class size maximums. However, the additional number of students who can be assigned to a teacher may not exceed the maximum thresholds as listed above. This temporary exception is also contingent upon the School Board developing a plan where the school will be in full compliance with the maximum class size by the following year’s October student membership survey.

House Bill 7202 also states that only a school district that meets the maximum class size requirements may use the class size reduction operational categorical funds for any lawful operating expenditure.

To ensure that the School District continues to accurately address the period by period Class Size Reduction Amendment implementation, the Class Size Reduction Action Committee (CSRAC) continues to meet and refine timelines, processes, and tools associated with the District’s classroom space utilization process. The committee is comprised of principals and District administrative staff from Facilities, Budget, Curriculum, Instructional Staffing and Educational Technology Services departments. It is expected that in 2011-2012 school year, further development and the refinement of tools will continue. These tools are designed to assist schools in identifying classrooms in which under enrollment conditions exists, and to aid them in making resource utilization decisions relating to budget, staffing, facilities and proposed boundary modifications.

11.1.7.6 Options for Reducing Capacity

The District has considered options to optimize the usage of educational facilities within the County. Each year the District undergoes an extensive boundary process and considers the effectiveness of programs that are being utilized as an alternative to adding capacity at each school.

- **Boundary Process:** Each year the District undergoes a boundary process that considers the demographic changes in student populations, available and future facility capacity, programming components, and the ethnic diversity at each school. As part of the annual boundary process, the District relies on input from the communities and stakeholders. Through the boundary process, every effort is made to maintain equal educational opportunities.

- **Multi-track Scheduling:** The District has successfully utilized multi-track schedules for an elementary school. In that school, the schedule was modified to accommodate up to 150% of the school's FISH capacity in the 2005-06 school year. The community was content with the multi-track scheduling and increases in student achievement, attendance and less discipline situations was achieved. The District would like to continue utilizing this method to increase the utilization of schools.
- **Grade Level Organization:** Various grade level configurations are examined to reduce school facility capacity. The District has one primary school with grade levels of K-3. Some elementary schools are utilizing off campus annexes as temporary facilities while permanent capacity is being built. At one high school, an off campus ninth grade center has been implemented to reduce the number of students at the high school.
- **Block Scheduling:** The District has been in the forefront of implementing and evaluating block scheduling. Several schools in the District utilize block schedules.
- **High School Options:** Dual enrollment gives high school juniors and seniors the opportunity to take college level courses while receiving credits towards high school graduation. If a student qualifies for this option, they can free up capacity while benefiting student achievement. The early admissions and 18 credit diploma option for high school students, allows students to apply for early graduation, which relieves enrollment at the high schools.
- **Other Alternatives:** The District has also been using creative alternative methods to assist in distributing the student population by allowing parents and students the choice of school assignment. Some examples are:
 1. Magnet Schools: The District offers magnet programs in several locations largely in schools where space is available. These programs offer a thematic educational program; which entices students/parents to choose a school and fill available seats. They have been a popular choice alternative option.
 2. Charter Schools: As illustrated in Table 11.2, the District has led the state in the number of students attending charter schools. During the 1999-00 school year, 3,873 students attended charter schools. Since that time charter school enrollment has increased an additional 25,613 students, enrolling a total of 29,489 students during the 2011-12 school years.

Table 11.2: Charter Schools Serving Elementary, Middle and High School Students

Charters Serving Elementary School Students	Charters Serving Middle School Students:	Charters Serving High School Students:
Ben Gamla Charter) Ben Gamla Charter S. Broward Broward Community Charter Broward Community Charter West Central Charter School Charter School of Excellence (CSE) CSE at Davie CSE at Davie 2 CSE at Lauderdale 2 CSE at Tamarac CSE at Tamarac 2 CSE at Riverland CSE at Riverland 2 City of Pembroke Pines Eagles Nest Excelsior Charter of Broward Florida Intercultural Academy Florida Intercultural Academy West Franklin Academy A Hollywood Academy of Arts Science Imagine School Imagine School N. Lauderdale Imagine School Weston K.C. Wright Leadership Kidz Choice Charter North Broward Academy Paragon Elementary Renaissance Charter Coral springs Renaissance Charter of Plantation RISE Academy of Science Tamarac Somerset Academy Somerset Academy Davie Somerset Academy East Somerset at Miramar Somerset Neighborhood Somerset Pines Academy Somerset Prep Charter Somerset Village academy Sunshine Elementary Charter	Ben Gamla Charter Ben Gamla Charter Hallandale Ben Gama Charter North Broward Ben Gamla Charter South Broward Central Charter School City of Coral Springs Charter City of Pembroke Pines Discovery Middle Charter Eagle Academy Eagles Nest Florida Intercultural Middle Florida Intercultural west Franklin Academy A Franklin Academy B Hollywood Academy Imagine School Broward Imagine School N. Lauderdale International School of Broward North Broward Academy Paragon Academy Pompano charter middle Renaissance Charter Coral Springs Renaissance charter Plantation RISE Academy of Science RISE Academy of Science Tamarac Smart School Somerset Academy Middle Somerset at Miramar Somerset Pines Academy Somerset prep Charter middle Somerset Village Middle Touchdowns4Life	Ben Gamla Charter High City of Coral Springs City of Pembroke Pines Dolphin Park High Eagle academy International School of Broward Lauderhill High Life skills Mavericks high Central Mavericks High North North University High Parkway Academy Somerset Academy High Somerset Academy Charter High Somerset Conservatory Somerset prep charter @ N Lauderdale.

Source: School Board of Broward County, 2007

11.2 GOALS, OBJECTIVES AND POLICIES

Goals and objectives are generally considered to be the stated ideals that a person or organization (in this case, the City) strives to ultimately achieve. After establishing goals and objectives, policies are formulated that will guide day-to-day City operations in a manner which quantitatively contributes to the achievement of measurable objectives, which in turn makes measurable progress toward the achievement of adopted goals.

Implementation of the Public School Facilities Element's (PSFE) Goals, Objectives and Policies (GOP) will also be achieved through the level of service standards (LOS) adopted in the Capital Improvements Element (CIE). Level of service standards are used to identify the facilities, equipment and labor necessary to implement the Plan. The GOPs set forth in Section 11.2 of the PSFE including Maps 11.1 thru 11.12 are adopted.

GOAL PSFE 1.0: Public School Concurrency

The City of Deerfield Beach in collaboration with the Broward County Board of Commissioners and the School Board of Broward County shall ensure that public school facilities will be available for current and future students consistent with available financial resources and adopted level of service standards (LOS). This will be accomplished recognizing the school board's statutory and constitutional responsibility to provide a uniform system of adequate public school facilities and the authority of the City and County for development permitting and comprehensive planning.

Objective PSFE 1.1.: The school board, pursuant to Chapters 163.31777 and 163.3180 F.S. and the interlocal agreement (ILA) for public school facility planning, shall annually update the adopted Five-Year District Educational Facilities Plan (DEFP), which shall contain a five-year financially feasible schedule of capital improvements to address existing deficiencies and achieve and maintain the adopted level of service in all concurrency service areas (CSAs). The DEFP shall also contain an LOS plan which reflects the data required to demonstrate the achievement and maintenance of the adopted LOS. The school board shall ensure that school facilities are planned to meet the long-term planning period of the City and County's PSFEs.

Policy PSFE 1.1.1.: The DEFP shall include a financially feasible schedule of capacity additions to existing schools and the construction of new schools to eliminate existing LOS deficiencies. The schedule shall meet the needs of projected growth for the five-year planning period and be annually adopted into the City and County's Capital Improvements Elements (CIE). This adoption may either be by reference or by restatement of the relevant portions of the adopted DEFP. In no event shall the County or City modify the adopted schedule.

Policy PSFE 1.1.2.: The DEFP shall provide within a five year planning period, year-by-year projections of the capacity needed to achieve and maintain the adopted LOS within the CSA for each school in the district. These projections are included in the supporting documents of the PSFE.

Policy PSFE 1.1.3.: The DEFP's five-year financially feasible schedule shall provide for the remodeling/renovation of existing schools to meet the identified needs of aging schools and replace worn facilities.

Policy PSFE 1.1.4.: The DEFP shall be amended on an annual basis to: 1) amend the five-year planning period, 2) reflect changes in estimated capital revenues, planned capital appropriations costs, planned capital facilities projects, CSAs and school usage and, 3) ensure the DEFP continues to be financially feasible for the five-year planning period.

Policy PSFE 1.1.5.: The annually adopted updates to the DEFP shall be coordinated with annual plan amendments to the CIE's of the City and County comprehensive plans. The annual plan amendments shall ensure that the schedule of capital improvements within the CIE continues to be financially feasible and that the LOS will be achieved and maintained.

Objective PSFE 1.2.: The City shall adopt the County's public school concurrency management system (CMS), to ensure that public school facilities are available at the adopted LOS standard, concurrent with the impact of proposed residential development.

Policy PSFE 1.2.1.: The City, County and school board shall implement a CMS that is consistent with the policies in the PSFE, the procedures and requirements included within the ILA and the City's land development regulations (LDR's).

Policy PSFE 1.2.2.: The CSA's shall be the same as the annually adopted school attendance boundaries for each elementary, middle and high school. Maps of the CSAs shall be maintained in the data and analysis section of the PSFE.

Policy PSFE 1.2.3.: The LOS standard shall be 100% of gross capacity (with relocatable classrooms) for each CSA until the end of the 2018/19 school year, and commencing at the 2019/20 school year, the LOS for each CSA shall be 110% of the permanent FISH capacity, for each public elementary, middle and high school.

Policy PSFE 1.2.4.: If adequate school capacity is not available in a CSA for a proposed residential development, but capacity exists in one or more contiguous CSA's, the development may proceed consistent with the provisions and procedures in the ILA and the City's LDR's.

Policy PSFE 1.2.5.: If adequate capacity for a proposed development is not currently available in a CSA or within a contiguous CSA, but capacity is scheduled in the DEFP to be available within 3 years after the issuance of final subdivision or site plan approval, (or functional equivalent), development of the project may proceed in accordance with the provisions and procedures in the ILA and the City's LDR's.

Policy PSFE 1.2.6.: The City shall not approve a residential plat or site plan (or functional equivalent) until the school board has reported that the school concurrency requirement has been satisfied consistent with the provisions and procedures in the ILA and City’s LDR’s.

Policy PSFE 1.2.7.: The CSAs shall be established and modified to maximize available school capacity and make efficient use of new and existing public schools in accordance with the LOS standards and school capacity. Available school capacity shall consider special programs, transportation costs, geographic impediments, diversity programs, and class size reduction requirements to prevent disparate enrollment levels between schools of the same type (elementary, middle, high) and provide an equitable distribution of student enrollment district-wide.

Policy PSFE 1.2.8.: The projected student impact of a proposed residential development shall be determined using the student generation rates approved by the school board and adopted in the Broward County Land Development Code. Student generation rates shall be reviewed and updated a minimum of every 3 years.

Policy PSFE 1.2.9.: The public school concurrency approval for residential plats shall expire if development within the plat does not commence within 5 years following the date of County Commission approval.

Objective PSFE 1.3.: Pursuant to Chapter 163.3180 F.S. and the ILA, the school board, shall adopt proportionate share mitigation alternatives which provide an option for residential developments unable to meet the public school concurrency requirement. Upon approval of a proportionate share mitigation alternative by the school board and completion of necessary binding agreements, a development will be deemed to have met the public school concurrency requirement and may proceed with the development process.

Policy PSFE 1.3.1.: A residential development’s proportionate share mitigation value shall be determined by multiplying the number of student stations required to mitigate the school impact of the proposed development within the affected CSA(s), so that it will meet the adopted LOS standards. The value shall be determined using the State’s cost per student station for each school type plus a land impact cost share. The land impact cost share shall be determined as defined in the ILA. Pursuant to Section 163.3180(13)(e)(2), F.S., the applicant’s proportionate share mitigation obligation shall be credited toward any other impact or exaction fee imposed by the City for the same need, on a dollar-for-dollar basis, at fair market value.

Policy PSFE 1.3.2.: Proportionate share mitigation shall enhance the capacity of the schools, or provide for the construction of new schools serving the proposed residential development. The mitigation shall equate to at least one permanent classroom, which may be funded by one or more residential developments, or other identified funding sources. Mitigation that results in the need for school site(s) shall primarily be the dedication of land. Proportionate share mitigation shall include the following options, as further defined and subject to, procedures and requirements in the ILA:

- Purchase or dedication of needed elementary, middle or high school sites.
- Construction of capacity improvements identified in years four (4) or five (5) of the DEFP, including advancement of such improvements into the first three years of the DEFP.
- Construction of previously unplanned schools, classroom additions, modular classrooms or similar facilities. This facility capacity shall be included in the first three years of the DEFP, through an amendment approved by the school board.
- Construction of the needed capacity at one or more charter schools.
- Other mitigation options approved by the school board on a case by case basis that are contingent upon a school board determining the option mitigates the impact of the proposed development.

Policy PSFE 1.3.3.: Mitigation shall be assured by a legally binding agreement between the school board, the applicant, the City and County, (as applicable), which shall be executed prior to the issuance of the final subdivision plat or the final site plan approval (or functional equivalent). If the school board agrees to the mitigation, the school board shall commit in the agreement to placing the improvement required for mitigation in the first three years of the DEFP.

GOAL PSFE 2.0: Collaborate And Coordinate To Maximize Quality Education

Maximize the collaboration and coordination between the City, County, and the school board to effectively plan for public elementary and secondary school facilities and to meet the current and future needs of the District's public school population. Pursuant to Chapter 163.3180 (6) (a) F.S., the City and County, shall coordinate and cooperate to ensure that their adopted PSFE's and/or provisions included in their comprehensive plans regarding school concurrency are consistent with each other.

Objective PSFE 2.1.: The City, County, and the school board shall establish coordination mechanisms to ensure that the locations of existing and proposed school sites are compatible with and proximate to the existing and planned land uses that they will serve. School coordination shall also ensure that adequate public infrastructure is available to serve existing and planned school sites, including infrastructure which provides safe access to schools.

Policy PSFE 2.1.1: The City, County, and school board will coordinate through the procedures established in the ILA, to further the integration between existing and planned schools and surrounding land uses. The City and County will ensure through their land use planning processes that existing and proposed public school sites are consistent and compatible with the policies, land use categories, and future land use maps of their comprehensive plans.

Policy PSFE 2.1.2.: The City, County, and school board shall coordinate to prepare projections of future development and public school enrollment growth. They will ensure that these projections are consistent with the City and County's future land use maps and the school board's Long Range Public School Facilities Map. The projections will also be consistent with the procedures and requirements identified in the ILA.

Policy PSFE 2.1.3.: Consistent with provisions and procedures in the ILA, the school board will advise the City of inconsistencies in its comprehensive plan and proposed plan amendments, with the DEFP and Long-Range School Facilities Plan.

Policy PSFE 2.1.4.: The school board shall monitor and participate in the City and County's review process for plats, site plans, development of regional impacts (DRI's), land use plan amendments and any other development order/permits that may have an impact on current or planned public educational facilities in Broward County.

Policy PSFE 2.1.5.: The City, County, and school board shall utilize the procedures identified within the ILA, (including the Staff Working Group and Oversight Committee) to coordinate the preparation of their PSFE elements so that they are consistent with each other.

Policy PSFE 2.1.6.: The School Board shall annually update and adopt the DEFP and transmit the plan, including any supplemental amendments, to the City and County. Consistent with the provisions and procedures of the ILA, the City will amend its CIE to incorporate the updated DEFP information.

Policy PSFE 2.1.7.: Per the procedures identified in the ILA, the City, County, and school board shall coordinate information through the plat, site plan and school siting procedures, to ensure the location, phasing, and development of new and existing public school facilities, and to coordinate the required public infrastructure, including water and sewer, roads, drainage, sidewalks, mass transit and other infrastructure required to support these facilities.

Policy PSFE 2.1.8.: Per the procedures identified in the ILA, the City, County, and school board shall implement strategies, consistent with the Florida's Safe Ways to School Program, to reduce hazardous conditions and provide direct, unobstructed and safe access for pedestrian travel (including sidewalks, bicycle paths, signage and signalization) to existing and new school facilities.

Objective PSFE 2.2.: Pursuant to the ILA, the City, County, the school board shall coordinate the location of public school facilities in concert with other public facilities (such as parks, libraries and community centers) to promote schools as focal points within the community.

Policy PSFE 2.2.1.: In the planning, siting, land acquisition, permitting and development of a new school facility or significant renovation or expansion of an existing facility, the school board shall coordinate with the City and County on the availability of public facilities, services and grounds; especially for the purposes of collocating parks, libraries, ball fields, community centers, public safety facilities, parking facilities, drainage facilities and other appropriate facilities.

Policy PSFE 2.2.2.: The City, County, and school board shall pursue shared-use and co-location of school sites with County and City facilities having similar facility needs, including libraries, parks, ball fields, and other recreation facilities. Per the ILA, the City will look for opportunities to collocate and share use of City facilities with new or renovated school facilities, when preparing updates to the Schedule of Capital Improvements within the CIE.

Policy PSFE 2.2.3.: The school board shall encourage school facilities to serve as community focal points, by establishing school siting standards, together with collocation opportunities of City properties.

Policy PSFE 2.2.4.: The City, County and school board shall coordinate design efforts to build new school facilities, which may serve as emergency shelters as required by Section 1013.372, F.S. The City will also collaborate and coordinate with the school board on emergency preparedness issues through the County's Emergency Operating Center.

11.3 DATA AND ANALYSIS

The data and analysis information for the City's PSFE, shall be the same information which was submitted to the Department of Community Affairs (September 17, 2007) for the Broward County Public School Facilities Element Support Documents, including Attachments A-G as amended.

APPENDIX A

SECOND
AMENDED INTERLOCAL AGREEMENT
FOR
PUBLIC SCHOOL FACILITY PLANNING
BROWARD COUNTY, FLORIDA

February 2, 2010

SECOND
AMENDED
INTERLOCAL AGREEMENT
FOR
PUBLIC SCHOOL FACILITY PLANNING
BROWARD COUNTY, FLORIDA

This Second Amended Agreement (hereinafter referred to as "Amended Agreement") is entered into between The School Board of Broward County, Florida (hereinafter referred to as "School Board"), Broward County, a political subdivision of the State of Florida (hereinafter referred to as "County"); the City Commission or Town Council of the Cities or Towns of Coconut Creek, Cooper City, Coral Springs, Dania Beach, Davie, Deerfield Beach, Fort Lauderdale, Hallandale Beach, Hollywood, Lauderdale-By-The-Sea, Lauderdale Lakes, Lauderhill, Lazy Lake, Margate, Miramar, North Lauderdale, Oakland Park, Parkland, Pembroke Park, Pembroke Pines, Plantation, Pompano Beach, Southwest Ranches, Sunrise, Tamarac, Weston, West Park and Wilton Manors (hereinafter referred to collectively as "Municipalities").

RECITALS

WHEREAS, the School Board, County and the Municipalities entered into to an Amended Interlocal Agreement for Public School Facility Planning ("Amended ILA") in 2008 pursuant to the requirements of Sections 163.3180(13) and 163.31777, Florida Statutes; and

WHEREAS, the Amended ILA adopted each individual school boundary as the Concurrency Service Area, and adopted a Level of Service standard of 110% of permanent FISH capacity for these Concurrency Service Areas; and

WHEREAS, pursuant to Sections 163.3180 (13)(d)(2) and 1013.35, Florida Statutes, the School Board committed to annually prepare and update its adopted Five-Year District Educational Facilities Plan, which for the purposes of public school concurrency is considered to be the financially feasible Five-Year Capital Facilities Plan; and

WHEREAS, the School Board also committed to update and adopt the Five-Year District Educational Facilities Plan annually to add enough capacity in the new fifth year to address

projected growth and to adjust the Five-Year District Educational Facilities Plan in order to maintain the adopted level of service standard and to demonstrate that the utilization of school capacity is maximized to the greatest extent possible; and

WHEREAS, the Amended ILA was found to be in compliance by the Department of Community Affairs and is currently in effect County wide; and

WHEREAS, various new facilities were proposed in the School Board's Educational Plant Survey to support the feasibility of the Amended ILA's concurrency Service Areas and Level of Service standards; and

WHEREAS, construction of some of these proposed new facilities were subsequently rejected by the Florida Department of Education due to District wide excess capacity and without construction of these facilities, many Concurrency Service Areas will fail to meet the adopted Level of Service standard within the five year planning period as required by Florida Statutes; and

WHEREAS, to meet these projected Level of Service standard failures the School Board has proposed to amend the Amended ILA to change the 110% Permanent FISH Capacity for a specified period to 100% Gross Capacity as a means to avoid multiple school boundary changes across Broward County; and

WHEREAS, pursuant to its terms, the Amended ILA may be amended with the approval by the School Board, the County and at least 75% of the Municipalities representing at least 50% of the population of Broward County; and

WHEREAS, the parties hereto desire to amend the Amended ILA as set forth herein.

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency is hereby acknowledged, the parties mutually agree to amend the Amended Interlocal Agreement as follows:

SECTION 1. The above recitals are true and correct and are hereby incorporated as a part of this Amended Agreement.

SECTION 2. Definitions are hereby amended as follows:

Gross Capacity: The number of students that may be housed in a facility (school) at any given time based on the utilization percentage (as established by the State Requirements for Educational Facilities) of existing satisfactory student stations.

Quarterly: Documents or Reports as may be required to be prepared, produced or published four times a year, at three-month intervals.

SECTION 3. Article IV, Coordinating and Sharing of Information, Section 4, is hereby amended as follows:

Section 4

- 4.1 Tentative District Educational Facilities Plan: Commencing no later than ~~June 30, 2007~~ July 30, 2009, and annually thereafter, the Superintendent shall submit to the County and to each Municipality the tentative District Educational Facilities Plan (hereinafter referred to as the "Tentative Plan"). Upon providing the Tentative Plan to local governments and giving proper notice to the public and opportunity for public comment, the School Board may amend the Tentative Plan to revise the priority of projects, to add, or delete projects, to reflect the impact of change orders, or to reflect the approval of new revenue sources which may become available. The Tentative Plan will be consistent with the requirements of Section 1013.35 Florida Statutes, and include, an inventory of existing school facilities, projected five-year student enrollment projections apportioned by school and geographic area, Florida Inventory of School Housing for each school as approved by the Department of Education, the number of portables in use at each school, the number of portables projected to be in use at each school, five-year capital improvements for pertinent schools, planned new schools, general locations of new schools for the five, ten, and twenty-year time periods, the School District unmet needs and options to reduce the need for additional permanent student stations. The Tentative Plan will also include a financially feasible district facilities work program for a five year period. The County and Municipalities shall review the Tentative Plan and send written comments to the Superintendent ~~no later than July 31, within 30 days~~ after receipt of the draft Tentative Plan, on the consistency of the Tentative Plan with the local comprehensive plan, and whether a comprehensive plan amendment will be necessary for any proposed educational facility for consideration prior to the final adoption hearing.
- 4.5 ~~No later than the 15th of each month~~ Quarterly, the County will provide by correspondence to the Superintendent, the list of all residential plat(s) granted approval by the Broward County Commission during that preceding quartermonth. At a minimum, the information shall contain the plat name, plat number, residential type, number of units and date of approval. If no plat was approved during the quartermonth, the County will send correspondence indicating so.

SECTION 4. Article VII, Plan Review; Consistency Determination, Section 7, is hereby amended as follows:

Section 7

- 7.3 As a part of its development review process, the County and Municipalities agree to provide a copy of comprehensive plan amendment and rezoning applications (including the allocation of flexibility/reserve units) that could increase residential density to the Superintendent. At a minimum, the information provided shall include the name of the applicant, application/project number, project name, current and proposed use, existing and proposed land use or zoning designation, existing permitted and proposed and type of units, acreage, survey or location map and section, township and range and the anticipated date the local planning agency may consider this item if such date is determined at the time the information is provided. The County or Municipalities shall provide the deadline for receiving comments from the Superintendent; however, the time provided to the Superintendent for submitting such comments shall be no less than forty-five (45) days from the date the information is provided to the Superintendent. If no deadline is provided together with the information, then the Superintendent shall provide comments no later than forty-five (45) days after receipt of the information. Further, the County or Municipalities will provide written quarterly reports ~~notify in writing~~ to the Superintendent when the application receives final approval from the governing body.
- 7.10 In reviewing and approving comprehensive plan amendments and rezonings (including the allocation of flexibility/reserve units), the County and Municipalities may consider the following issues consistent with applicable governmental codes and comprehensive plans in addition to such other criteria as may be applicable or appropriate:
- (a) School Board comments provided pursuant to Chapters 163 and 1013, Florida Statutes which may include, but not be limited to:
1. Available permanent school gross capacity until the end of the 2018/19 school year, and commencing at the beginning of the 2019/20 school year, permanent capacity consistent with the provisions provided herein or planned improvements to increase school capacity;
 2. The provision of school sites and facilities within planned neighborhoods;
 3. Compatibility of land uses adjacent to existing schools and reserved school sites;
 4. The collocation of parks, recreation and neighborhood facilities with school sites;
 5. The linkage of schools, parks, libraries and other public facilities with bikeways, trails, and sidewalks for safe access;
 6. Traffic circulation plans which serve schools and the surrounding neighborhood;

7. The provision of off-site signalization, signage, access improvements, and sidewalks to serve schools;
8. The inclusion of school bus stops and turnarounds; and
9. The installation of appropriate buffers such as, but not limited to, a solid fence or concrete wall, solid hedges or increased setbacks that will ensure compatibility with the adjacent school for any new development that will be located adjacent to an existing school or an identified future school.

SECTION 5. Article VIII Public School Concurrency Section 8 shall be amended as follows:

Section 8

8.1 Required Amendments For Elements of Public School Concurrency ~~Amendments~~

- (a) **Initial Comprehensive Plan Amendments Related to the Public School Facilities Element (PSFE) to Satisfy Sections 163.3177 and 163.3180 Florida Statute Requirements:** The amendments to the PSFE and related amendments to the Capital Improvements Element (CIE) and the Intergovernmental Coordination Element (ICE) in the County's and Municipalities comprehensive plans ("school-related element amendments" or school-related element provisions") required to satisfy Sections 163.3177 and 163.3180 Florida Statutes are being adopted into the comprehensive plans of the County and Municipalities concurrently with the execution of this Amended Interlocal Agreement by the County and Municipalities. Some provisions relevant to public schools may remain in the Future Land Use Element or other elements as may be appropriate.
- (b) **Subsequent School-Related Element Amendments:** Thereafter, the experience under the revised comprehensive plans and the School Board of Broward County's adopted Five-Year "District Educational Facilities Plan" (DEFP) shall be reviewed by the County and Municipalities each year, at the Staff Working Group (SWG) meeting to be held no later than March 31, to determine whether updates to the comprehensive plans are required. At the minimum, the School Board's adopted Five-Year DEFP shall be updated annually by the addition of a new fifth year. Any other amendments to the comprehensive plans shall be transmitted in time to allow their adoption concurrently with the update to the School Board's adopted Five-Year DEFP, where feasible.
- (c) **School Board Review of School -Related Element Amendments:** Unless proposed by the School Board, all school- related element amendments shall be

provided by the County to the School Board at least sixty (60) days prior to transmittal (or adoption if no transmittal is required). Municipalities that choose to propose, transmit and adopt identical school-related element amendments as the County shall notify the School Board in writing at least one (1) month prior to its local planning agency (LPA) meeting. Municipalities that choose to propose, transmit and adopt school-related element amendments that are different from the County shall provide the element amendments to the School Board at least sixty (60) days prior to transmittal (or adoption if no transmittal is required). The School Board shall review the school-related element amendments and provide comments, if any, to the relevant local government either (i) in writing at least one (1) week prior to the local planning agency (LPA) meeting on the school-related element amendment, or (ii) by attending and providing comments at the LPA meeting.

- (d) **Countywide Consistency of School-Related Element Amendments:** The County and Municipalities school-related element provisions must be consistent with each other and with the School Board's facilities plan and policies. Each Municipality may choose to adopt all or a portion of the County's school-related element provisions into its comprehensive plan by reference, or it may adopt its own school-related element provisions. If a Municipality adopts its own school-related element provisions, any goal, objective, policy or other provision relevant to the establishment and maintenance of a uniform district-wide school concurrency system shall be substantially the same as its counter part in the County and Municipalities comprehensive plans. If any school-related element amendment is proposed that affects the uniform district-wide school concurrency system, it shall ~~not~~ only become effective in accordance with Section 14.1 (f) of this Amended Agreement. Once these amendments become effective, then the new requirement shall apply countywide. Each Municipality and the County may adopt the School Board's adopted Five-Year DEFP into its comprehensive plan either by reference or by restatement of the relevant portions of that adopted Five-Year DEFP, but in no event shall a Municipality or the County attempt to modify that adopted Five-Year DEFP. The County and Municipalities agree to coordinate the timing of approval of school-related element amendments, to the extent that it is feasible to do so.
- (e) **Evaluation and Appraisal Report:** In addition to the other coordination procedures provided for in this Amended Interlocal Agreement, at the time of the Evaluation and Appraisal Report (EAR), the County and Municipalities shall schedule at least one (1) SWG meeting with the School Board to address needed updates to the school-related plan provisions.

8.2 Specific Responsibilities

- (a) Broward County and the Municipalities, within 90 days of ~~the~~any comprehensive plan amendments in accordance with this Amended Agreement becoming effective shall amend their respective Land Development Codes (LDC) and adopt the required public school concurrency provisions, consistent with the requirements of this Amended Agreement. Such amendment shall include the public school concurrency management system outlining the development review process for proposed residential developments.
- (b) Broward County and the Municipalities, in accordance with this Amended Agreement shall:
1. Not approve or issue any residential plat or site plan (or functional equivalent) that is not exempted or vested pursuant to Subsection 8.11 of this Amended Agreement until the School District has reported that the school concurrency requirement has been satisfied.
 2. Maintain data for approved residential development that was the subject of public school concurrency review. The data shall be provided to the School District ~~no later than 15 days in a quarterly report~~ after final approval of the application by the governing body. At the minimum, the data provided shall include the following:
 - a. Development name, ~~and local government~~ project number, and if known, School District project number;
- (c) The School Board shall do the following:
1. Annually prepare and update its adopted Five-Year DEFP, which for the purposes of public school concurrency shall be considered the financially feasible Five-Year Capital Facilities Plan. The Five-Year Capital Facilities Plan shall reflect the capacity needed to meet the adopted level of service standard (LOS) for ~~the CSAs each pertaining to~~ District elementary, middle and high schools, during the five year period, but no later than the fifth year of the Five-Year Capital Facilities Plan. The data required to demonstrate the achievement and maintenance of the adopted LOS at the elementary, middle and high school level CSAs during the timeframe referenced herein shall be reflected in an LOS Plan contained within each subsequent adopted DEFP.
 2. Establish a process to ensure the maximum utilization of ~~permanent~~ capacity at each District elementary, middle and high school and to ensure that the schools are operating at or below the adopted level of service standard (LOS).

3. Commencing October ~~1, 2007~~ 15, 2009, and annually thereafter ~~by October 1,~~ provide the County and Municipalities with the required School District data related to public school concurrency, and related analysis needed to amend or annually update their comprehensive plans.
4. Review proposed plat and site plan (or functional equivalent) applications for compliance with public school concurrency requirements.
5. As a component of the District's public school concurrency management system, maintain data regarding available capacity at ~~each the District's~~ elementary, middle and high school within each CSAs after factoring the student impact anticipated from the proposed residential development into the database.

8.5 Comprehensive Plans - Development, Adoption and Amendment of the Capital Improvements Element

- (b) Any amendment, correction or modification to the adopted Five-Year DEFP concerning costs, revenue sources, or acceptance of facilities pursuant to dedications or proportionate share mitigation, once adopted by the School Board, shall be transmitted by the School District to the County and Municipalities within forty-five (45) days after the adoption. ~~Within one hundred eighty (180) days, the~~ The County and Municipalities shall amend their CIE to reflect the changes consistent with the annual update required by the State to their CIE. Such amendments may be accomplished by ordinance, and shall not be considered amendments to the comprehensive plan, pursuant to Section 163.3177 (6)(b)(1), Florida Statutes.

8.10 Level of Service Standard (LOS)

- (a) In order to ensure that the capacity of schools is sufficient to support student growth, the School Board, County and Municipalities hereby declare and establish the LOS as 100% of gross capacity (with relocatable classrooms) for each CSA until the end of the 2018/19 school year; and commencing at the 2019/20 school year, the LOS for each CSA shall be 110% of the permanent FISH capacity for each concurrency service area. By January 2014 the Oversight Committee, in coordination with the School Board, the County and the Municipalities will assess the viability of the 100% gross capacity LOS, and the practicability of reverting back to 110% permanent FISH capacity LOS at the beginning of the 2019/20 school year. The LOS shall be achieved and maintained within the period covered by the five-year schedule of capital improvements. To maintain the adopted LOS when it reverts to back to 110% permanent FISH capacity for each CSA, the School Board

may if necessary, utilize relocatable classrooms (portables) on a temporary basis as an operational solution during the replacement or expansion of District school facilities, or at Exceptional Student Education cluster sites, or in the case of a disaster or emergency.

- (b) The LOS shall be adopted and incorporated into the PSFE of Broward County and the Municipalities' Comprehensive Plans.
- (c) In the review of proposed development applications containing residential units, the LOS for schools containing magnet programs shall be considered the same as stated for each pertinent school level (elementary, middle and high).

8.11 Exemptions and Vested Development

- (b) The following residential plats and site plans (or functional equivalent) shall be vested from the requirements of public school concurrency:

~~3.3.~~ Any residential site plan (or functional equivalent) which is included within a residential plat or development agreement for which school impacts have been satisfied for the dwelling units included in the proposed site plan (or functional equivalent). Information regarding each residential site plan (or functional equivalent) shall be transmitted to the School District in a quarterly report. In the transmittal of such residential site plan (or functional equivalent) to the School District, the County or Municipality ~~shall state in the transmittal or shall provide~~ additional written information as required in the quarterly report indicating to verify that the units in the application are vested. The County will provide the necessary information to the School Board and Municipalities to identify the vested plats and further specifics to be contained in the adopted land development regulations. As applicable, the Municipalities shall utilize the information provided by the County regarding the vested plat to complete information as required in the quarterly report.

8.13 Review Process

- (f) Utilization Determination
 1. It shall be the responsibility of the School District to maintain the CSA boundaries and related data.
 2. The School District shall determine the impact of a proposed development to assigned school(s) by performing the following procedures:

- (i.) Deduct the Twentieth Day Enrollment numbers from the school's ~~permanent FISH-LOS~~ capacity. The Twentieth Day count is effective on the twentieth day of the school year until the nineteenth day of the next school year.
 - (ii.) Add or deduct capacity from capital projects over the next three years as reflected in the Adopted DEFP, which may include capacity from a new school in an approved boundary that will become effective in the next school year.
 - (iii.) Deduct the number of students from development approved per Subsections 8.11(b) and 8.13(g) of this Amended Agreement and anticipated to be built within the next three years.
 - (iv.) Deduct the number of students generated from the proposed project.
3. If it is determined that there is no ~~permanent~~ capacity at the assigned school(s) as determined by the procedure described in Subsection 8.13(f)2 above because the projected growth from a residential development causes the adopted LOS to be exceeded in the subject CSA, the School District may, if practical, utilize pertinent options delineated in School Board Policy 5000, to be amended consistent with this Amended Agreement and as may be amended from time to time to ensure maximum utilization at the CSA. Otherwise, all of the CSAs immediately adjacent to the primary impacted CSA will be examined for available capacity before a determination letter is issued indicating that the development has satisfied public school concurrency.

(g) Issuance and Term of Public School Concurrency

4. Upon final action by the Local Government regarding the development, the Local Government shall ~~send~~ provide information in the written notice quarterly report to the School District indicating that the development was granted final approval or denied. If the plat, site plan (or functional equivalent) received final approval, the development and anticipated students shall be considered vested for up to five (5) years consistent with the period of the underlying approval beginning from the date the Developer received final approval from the Local Government. Vesting of a plat beyond the five years requires that one of the following conditions are met within the five (5) year period: 1) the issuance of a building permit for a principal building and first inspection approval or 2) substantial completion of project water lines, sewer lines and the rock base for internal roads. If the development was denied, the District shall deduct from its database, students associated with the development. Information provided shall be consistent with requirements stated in Subsection 8.2 of this Amended Agreement.

8.15 Proportionate Share Mitigation Options

Once it is determined consistent with Sections 8.13 (e) and (f) of this Amended Agreement that there is insufficient capacity at the assigned school(s) to serve the proposed development, a development's total proportionate share mitigation value shall be determined as follows:

- (i) The number of additional (deficit) students generated by the proposed development that would impact school(s) exceeding the adopted LOS, or that would cause the assigned school(s) to exceed the adopted LOS, multiplied by the Florida Student Station Cost Factors for each school type; plus
- (ii) That development's share of the land acquisition cost for school sites, if any, as determined and published annually in the adopted Five Year DEFP.

No land cost shall be applied to mitigation on property that is already owned or controlled by the School District at the time the proportionate share mitigation agreement is being executed. Relocatable classrooms or facilities shall not be considered or accepted as an acceptable proportionate share mitigation option.

- (a) The proportionate share mitigation proposed to address the deficit student station(s) at the affected school(s) shall equate to at least one permanent classroom when the following occurs: (i) The development generates the need for the additional capacity and that capacity is not available; (ii) No classroom additions are available within the first three years of the adopted Five-Year DEFP to accommodate the student(s) generated; and/or (iii) No School District funds are available to provide the needed classroom(s). Mitigation to address the anticipated student impact that necessitate the need for school site(s) shall primarily be the dedication of land. The proportionate share mitigation options to satisfy public school concurrency requirements shall include the following:
 - (b) In no circumstance shall the total amount committed to pay for permanent classroom additions or any of the listed mitigation options be less than the school impact fees due for the units as calculated based on the adopted school impact fee schedule specified in the BCLDC and due for the units ~~as of the effective date of the application for building permit~~ at the time of payment. The school impact fee due for the project shall be considered included in the total proportionate share mitigation amount due or paid, and shall be credited toward the payment of the school impact fee. Specifics regarding the payment of the proportionate share mitigation shall be included within the binding agreement.

SECTION 6. Article XIV, Amendment Procedures, Section 14, shall be amended as follows:

Section 14

14.1 Process to Amend the Interlocal Agreement

The procedures to amend this Amended Agreement shall be as follows:

- (a) The party wishing to amend one or more of the above-listed items shall be the "Initiating Party." The Initiating Party may be the School Board, County, or Municipality subject to the requirements of public school concurrency.
- (b) The Staff Working Group shall review ~~and comment on a~~ the proposed amendment and supporting data and analysis.
- (c) The Initiating Party shall submit the proposed amendment to the Staff Working Group. At the minimum, information submitted shall include:
 1. A ~~memorandum-letter~~ addressed to the Chair of the Oversight Committee which notifies the chair of the proposal to amend the Amended Agreement and outlining the proposed amendment(s);
 2. A narrative describing the purpose of the proposed amendment and a statement regarding the impact of the proposed amendment on the School Board's Plan and adopted Five-Year DEFP, and the Local Government's Comprehensive Plan and other elements of public school concurrency addressed by this Amended Agreement.
 3. The ~~memorandum-submitted information~~ must also include all data and analysis supporting the proposed amendment. As necessary, the School District will assist the County and Municipalities in the provision of any school related data regarding amendment(s) proposed by them.
- (d) Within sixty (60) days of receipt of a proposed amendment from the Initiating Party, the Staff Working Group shall review the proposed amendment and supporting data and analysis, and provide any-written comments or objections recommendation to the Initiating Party, the School Board, County, Municipalities and the Oversight Committee regarding the proposed amendment. on-Included in the recommendation shall be whether the proposed amendment is consistent with the Comprehensive Plan as required by Sections 163.3177 and 163.3187, F.S. If the proposed amendment is not consistent with the requirements of the cited statutes, The-the Staff Working Group shall indicate in its recommendation the written comments on whether it consents to the proposed amendment or, if it does

~~not, the reasons for withholding its consent~~ reasons for the inconsistency with the cited statutes. ~~The Staff Working Group's recommendation shall be forwarded to~~ Upon receipt of the Staff Working Group's recommendation, the Oversight Committee ~~who~~ shall meet and make a final recommendation to the School Board, the County and the Municipalities regarding the proposed amendment. In order to resolve any objections to the proposed amendment, designees of the Initiating Party may meet and confer with the Staff Working Group prior to the Staff Working Group's ~~submission of written comments to the School Board, County, Municipalities and recommendation to~~ the Oversight Committee.

- (e) ~~If the Staff Working Group is unable to consent to the proposed amendment, the matter will be forwarded to the Oversight Committee for resolution.~~ If the Oversight Committee cannot reach a consensus on the matter proposed amendment, the matter shall be resolved pursuant to the dispute resolution process set forth in Article X of this Amended Agreement.
- (f) The parties agree that no proposed amendment will be implemented without the ~~consent of transmittal of~~ the Staff Working Group's recommendation to the Oversight Committee, the final recommendation made by the Oversight Committee, and agreed to by the County and the School Board, and at least seventy-five percent (75%) of the Municipalities which include at least fifty percent (50%) of the population within Broward County. Where the consent of the necessary parties to the Interlocal Agreement is not obtained, no proposed amendment will be implemented unless it is determined to be appropriate through the dispute resolution process set forth in Article X of this Amended Agreement.
- (g) The parties agree that, once a proposed amendment has the required consent of each of the necessary signatories to the Amended Agreement or is determined to be appropriate through dispute resolution, each party will undertake work program, Comprehensive Plan, and regulatory changes necessary to effectuate the amendment.

SECTION 7. Except as expressly set forth herein, all terms and conditions of the Interlocal Agreement, and the Amended Interlocal Agreement remain in full force and effect.

SECTION 8. This Second Amended Interlocal Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

SECTION 9. Upon this Second Amendment being signed by the last required party, this Second Amendment to the Interlocal Agreement shall take effect immediately and shall continue until terminated.

SECTION 10. All other terms, provisions and conditions of the Interlocal Agreement and the Amended Interlocal Agreement not inconsistent herewith shall remain in full force and effect. In the event of a conflict between these Agreements and this Second Amendment, the terms of this Second Amended Agreement shall control and prevail. Any term utilized in this Second Amendment but not defined herein shall have the meaning ascribed to it in the Interlocal Agreement and the Amended Interlocal Agreement.

IN WITNESS WHEREOF, this Second Amended Interlocal Agreement has been executed on the respective dates under each signature by and on behalf of Broward County, each of the respective Municipalities and the School Board of Broward County, Florida on this ____ day of _____, 2010.

[REMAINING PORTION OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

SIGNATURE PAGES FOLLOW.]

Signature Pages

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

By Jennifer Gottlieb
Jennifer Leonayd Gottlieb,
School Board Chair

Pauline E White
Witness as to all Signatories
Print Name PAULINE E. WHITE

ATTEST James F. Notter
James F. Notter, Superintendent
Of Schools

Genevieve Ponce
Witness as to all Signatories
Print Name GENEVIEVE PONCE

(CORPORATE SEAL)

State of Florida, Broward County

WITNESS my hand and official seal this 16th day of March A.D. 2010

Print Name NOEMI GUTIERREZ

(AFFIX NOTARY SEAL)

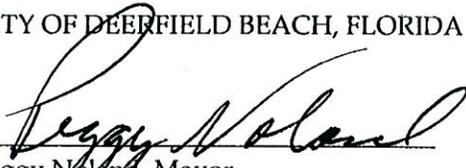
My Commission Expires: May 3, 2011



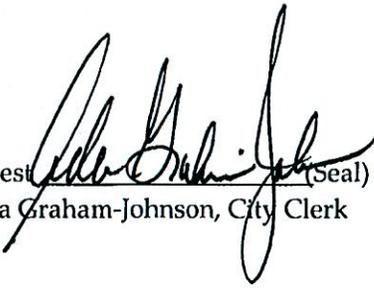
Approved as to form and legal content: Edward J. Marko
Edward J. Marko, School Board Attorney

CITY OF DEERFIELD BEACH through its Mayor, authorized to execute same by Commission action on the 5 day of MAY, 2010.

CITY OF DEERFIELD BEACH, FLORIDA



Peggy Noland, Mayor

Attest  (Seal)
Ada Graham-Johnson, City Clerk

Approve as to Form



Andy Maurodis, City Attorney