

The Oversight Committee
For
Implementation of the Second Amended Interlocal Agreement for Public School
Facility Planning, Broward County, Florida

**INTERPRETATION DOCUMENT
REGARDING THE
SECOND AMENDED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL
FACILITY PLANNING**

Revised
June 6, 2014

**INTERPRETATION DOCUMENT REGARDING THE SECOND AMENDED INTERLOCAL AGREEMENT
FOR PUBLIC SCHOOL FACILITY PLANNING**

Nos.	Second Amended ILA Requirements	Issue	Motion Passed by the Oversight Committee on the Issue	Meeting Date
1	<p>The following residential plats and site plans (or functional equivalent) shall be exempt from the requirements of PSC:</p> <p>1. All residential plats and site plans (or functional equivalent) which generate less than one student in the relevant CSA. Such development shall be subject to the payment of school impact fees.</p> <p>2. Any amendment to or replat of a residential plat or amendment to a residential site plan (or functional equivalent) which generates less than one additional student. Such development shall be subject to the payment of school impact fees.</p> <p>3. Any age restricted community with no permanent residents under the age of eighteen (18). Exemption for an age restricted community shall only be available subject to a recorded Restrictive Covenant limiting the age of all permanent residents to eighteen (18) years and older.</p> <p>4. As may otherwise be exempted by Florida Statutes. Section 8.11(a)</p>	<p>Rounding Regarding Exempt Residential Development</p>	<p>Subcommittee Chair Dinnen advised that the motion that passed at the Subcommittee meeting regarding the calculation method for exempt residential developments was to move forward and inform the Municipalities that the Oversight Committee had determined that .5 would be interpreted as 1 student. Committee Member Rogers seconded the motion for discussion. Chair Wexler restated the motion and said that the motion has been moved and seconded, and called for a vote. The motion passed with a majority in the affirmative, and was opposed by Committee Member Resnick and Committee Member Stermer.</p>	8/13/2008
2	<p>The following residential plats and site plans (or functional equivalent) shall be exempt from the requirements of PSC:</p> <p>1. All residential plats and site plans (or functional equivalent) which generate less than one student in the relevant CSA. Such development shall be subject to the payment of school impact fees.</p> <p>2. Any amendment to or replat of a residential plat or amendment to a residential site plan (or functional equivalent) which generates less than one additional student. Such development shall be subject to the payment of school impact fees.</p> <p>3. Any age restricted community with no permanent residents under the age of eighteen (18). Exemption for an age restricted community shall only be available subject to a recorded Restrictive Covenant limiting the age of all permanent residents to eighteen (18) years and older.</p> <p>4. As may otherwise be exempted by Florida Statutes. Section 8.11(a)</p>	<p>Exempt Residential Development</p>	<p>Subcommittee Chair Dinnen stated that the motion passed by the Subcommittee regarding exempt residential developments was that the determination of a project's exempt status would be determined by School District staff until the less than 1 issue is resolved, at which time the exempt status should be revisited. Brief discussions followed. Chair Wexler restated the motion. The motion was called to question, and the motion passed with eight Members voting in the affirmative, and Committee Member Resnick and Committee Member Stermer voting against the motion.</p>	8/13/2008

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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) to the School District, the County or Municipality shall state in the transmittal or provide written information indicating 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. Section 8.11(b)(3)	Vested Residential Development	Subcommittee Chair Dinnen said that the motion passed by the Subcommittee regarding the vested residential development issue was that data regarding vested residential developments, for site plans only, should continue to be provided to the School District as informational, but that the review and determination be made by the County and local governments. Mr. Akagbosu suggested that for clarification purposes only, the motion only pertains to Subsection 8.11(b)(3) of the Amended ILA. The motion was amended to reference Subsection 8.11(b)(3) of the Amended ILA and passed unanimously.	8/13/2008
4	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 days after receipt of the information. Section 7.3	Timeframe inconsistent with Statutes. 30-Day timeframe required by 163.3184(3)(b)(2)	Committee Member Eisinger made a motion, which was seconded by Committee Member Lew Naylor and unanimously adopted by the full Oversight Committee. The motion directed the implementation of a thirty-day development review timeframe, consistent with Statute.	1/11/2012
5	In conjunction with the preliminary consistency determination described at in Subsection 5.4 of this Amended Agreement, the School Board and affected local governments will jointly determine the need for and timing of on-site and off-site improvements to public facilities necessary to support each new school or the proposed significant renovation of an existing school, and will enter into a written agreement, or amend a current agreement, if applicable, to be consistent with this Amended Agreement as to the timing, location, and the party or parties responsible for funding, constructing, operating and maintaining the required improvements. Section 6.1	Delineate a process (Exhibit 1) to improve and monitor implementation of this provision.	Committee Member Rogers made a motion, which was seconded by Committee Member Resnick and unanimously adopted by the Oversight Committee which directed that the SBBC/Municipality Communication Model (Exhibit 1) be added to the Interpretation Document.	8/7/2013

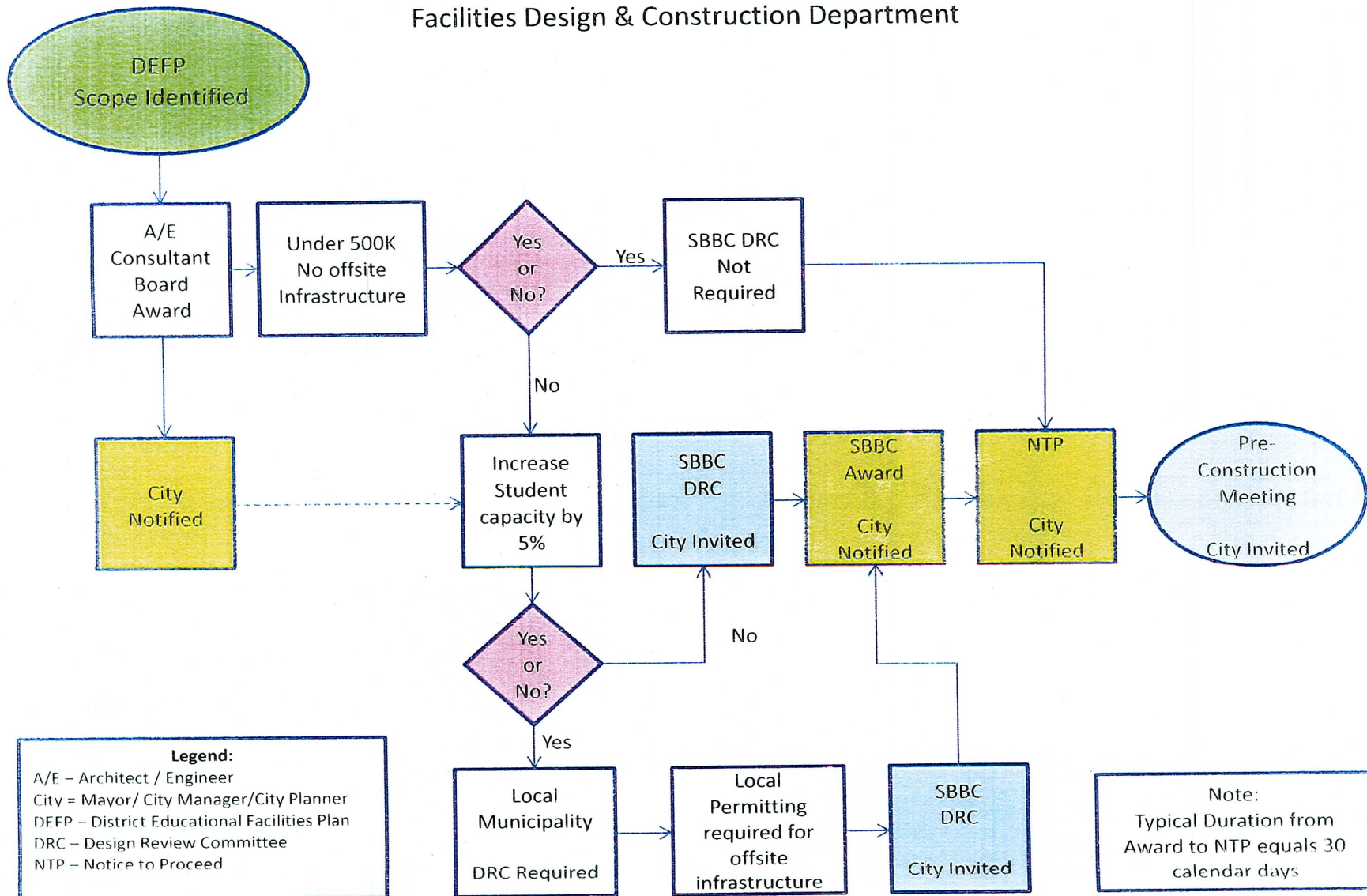
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6	<p>The School Board shall do the following:</p> <p>1. Annually prepare and update its adopted Five-Year DEFP, which for the purposes of public school concurrency shall be considered the financially feasible Five-Year Capital Facilities Plan. The Five-Year Capital Facilities Plan shall reflect the capacity needed to meet the adopted level of service standard for each District elementary, middle and high school, during the five year period, but no later than the fifth year of the Five-Year Capital Facilities Plan.</p> <p>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). Section 8.2 (1) and (2)</p>	Define Hardship School	Committee Member Eisinger made a motion to establish a definition for a hardship school as a concurrency service area (CSA) that does not have sufficient available capacity in the adopted five-year work plan to meet the Level of Service Standard (LOS), and there is insufficient excess permanent capacity available in an immediately adjacent CSA in the same Planning Area to relieve the LOS deficiency. Committee Member Good seconded the motion. The motion passed with eleven Members voting in the affirmative, and Committee Member Wexler and Committee Member Soltanipour voting against the motion.	6/6/2014
7	<p>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. Section 8.10</p>	Level of Service Standard in Broward County Commencing the 2019/20 School Year	Committee Member Eisinger made a motion that the LOS Standard for each elementary, middle, and high school shall be 110% of permanent Florida Inventory of School Houses (FISH) capacity. If the school is a Hardship School, then the LOS capacity can be increased up to 100% of gross capacity (including relocatables) for that school until such time as sufficient permanent capacity is made available at that school (See Exhibit 2). Committee Member Good seconded the motion. The motion passed with eleven Members voting in the affirmative, and Committee Member Wexler and Committee Member Soltanipour voting against the motion.	6/6/2014

SBBC / Municipality Communication Model

Facilities Design & Construction Department

Exhibit 1



Annual Process to Establish Hardship
Schools and their Level of Service Standard
Beginning In School Year
2019/20

Exhibit 2

