

# Brevard County (Florida)

## Administrative Procedure

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### 7130.01 - SCHOOL CONCURRENCY MANAGEMENT PROCEDURES

The School Board recognizes the need to define the procedures for administering school concurrency applications and reviews to meet the obligations of the Board as required by the Interlocal Agreement for Public School Facility Planning and School Concurrency and related legislative requirements as amended from time to time.

#### DEFINITIONS

For the purposes of this Administrative Procedure, the following definitions apply:

- A. **Adjacent Concurrency Service Area:** A Concurrency Service Area which is contiguous to the boundary of another Concurrency Service Area along one side to the extent practicable, taking into account water bodies, limited access interstate corridors, and similar geographic limits. Concurrency Service Areas based on spot zoning that do not include a school within shall not be utilized in concurrency reviews for adjacency purposes.
- B. **Applicant:** The contact person authorized by the property owner to apply for school concurrency.
- C. **Capacity Determination Letter (CDL):** A letter prepared by the School Board resulting from a School Impact Analysis (SIA) identifying if existing FISH Capacity is available to serve a residential project. This letter is the School Board response to a School Capacity Determination application and establishes availability at that present time only and neither vest nor reserves FISH Capacity for the developer and is non-binding in nature.
- D. **Capacity Elements:**
  - 1. **Permanent Student Stations:** The number of student stations in permanent structures (buildings) identified as being satisfactory in the FDOE FISH Inventory.
  - 2. **Relocatable Student Stations:** The number of student stations in relocatable structures identified as being satisfactory in the FDOE FISH Inventory.
  - 3. **Florida Inventory of School Houses (FISH) Capacity:** The Florida Inventory of School Houses (FISH) is the database used by the Florida Department of Education for all spaces in Florida public education facilities. FISH Capacity is calculated on the Department of Education's measure of satisfactory student stations in both permanent and relocatable structures multiplied by a utilization factor. Brevard County School Board's utilization factors are 100% for elementary, 90% for middle, 90% for junior/senior high schools, and 95% for high schools. The utilization factors may be amended by the Florida Department of Education. By definition the FISH Capacity is a Factored Capacity and the terms may be used interchangeably in this Agreement and in supporting documentation.
  - 4. **Factored Capacity:** By definition the Factored Capacity is the FISH Capacity and the terms may be used interchangeably in this Agreement and in supporting documentation.
- E. **Capacity Enhancement Agreement:** A binding and enforceable agreement between the developer, the School Board, and the local government with jurisdiction over the approval of the development order to mitigate the additional demand on public school facilities potentially created through the approval of a Preliminary Development Request.
- F. **Concurrency Evaluation and Finding of Nondeficiency (CEFoN) or equivalent:** Once the School Board has issued a School Capacity Determination Letter (SCADL) confirming the existence of FISH Capacity, the local government may issue a CEFoN, or equivalent, and the FISH Capacity for the development is reserved or vested for that development for the life of the CEFoN.
- G. **Developer:** Any person or governmental agency undertaking any residential construction.

- H. **Development Order:** Any order granting, or granting with conditions, an application for a development permit.
- I. **Final Development Request:** A Final Development Request is the last procedure in the local government planning process that is required before a development proposal with a residential component applies for building permits. Final Development Requests may include Final Plat Applications, Site Plan Applications, Conditional Use Applications, Engineering Review Applications as well as other development requests that are functionally equivalent.
- J. **Interlocal Agreement for Public School Facility Planning and School Concurrency (ILA):** The Agreement between the School Board and Brevard County and its Cities which includes details about the Uniform School Concurrency process. This Administrative Procedure uses the abbreviation, ILA to refer to this agreement.
- K. **Local Governments:** Brevard County and its Cities.
- L. **Preliminary Development Request:** A Preliminary Development Request is the initial application for land use, zoning, and/or development code compliance that begins the local government planning process for any development proposal with a residential component. Preliminary Development Requests may include Rezoning Applications, Comprehensive Plan Amendments, transmittal of Large Scale Comprehensive Plan Amendments to the State of Florida, Preliminary Plat Applications, Site Plan requests, PUD applications, DRI applications, as well as other development requests that are functionally equivalent.
- M. **Proportionate Share Mitigation:** A developer improvement or contribution identified in a binding and enforceable agreement between the Developer, the School Board and the local government with jurisdiction over the approval of the development order to provide compensation for the additional demand on public school facilities created through the residential development of the property, as set forth in Section 163.3180(6), F.S.
- N. **School Board** – For purposes of this Administrative Procedure, School Board is used interchangeably with the term School District and includes the elected officials, governing board, and staff.
- O. **School Capacity Availability Determination Letter (SCADL):** A letter prepared by the School Board resulting from an SIA identifying if FISH Capacity is available to serve a residential project. This letter is the School Board response to a Concurrency Determination application and if FISH Capacity exists, and the local government issues a CEFoN or equivalent, the proposed development's FISH Capacity is reserved or vested.
- P. **School Impact Analysis (SIA):** A formal description of a residential project subject to school concurrency review submitted by a developer through a School Facility Planning and Concurrency Application for School Board review in accordance with Section 13.2 of the ILA.
- Q. **School Facility Planning and Concurrency Application:** An application for a School Impact Analysis (SIA) to be undertaken by the School Board submitted by a developer for either a School Capacity Determination (non-binding) or a Concurrency Determination commitment (binding) which reserves or vests space for students generated by a specific development. In this Administrative Procedure, the term School Concurrency Application is used interchangeably.
- R. **Spot Zone:** A school attendance boundary area considered part of, but geographically detached from, the boundary area that includes the school facility. The boundaries of Spot Zones are not considered when establishing CSA's for concurrency evaluation.
- S. **Student Generation Multiplier (SGM):** The Student Generation Multiplier is the ratio of students per residential unit based on the Type of School and the type of residential unit as described in Appendix "A".

## SCHOOL CONCURRENCY APPLICATION

- A. A standard application shall be developed by the School Board as part of this Administrative Procedure. The application shall provide input from the applicant, the property owner, and the local government. The application shall outline the information and documentation required to be submitted to the School Board. The School Concurrency Application is formally called the "School Facility Planning and Concurrency Application" which is a request for the School Board to perform a School Impact Analysis.

- B. The local government shall determine if the applicant for a development request is required to submit a School Concurrency Application based on the criteria outlined in the ILA. The local government shall determine the type of School Concurrency Application, provide information about the development request, and review the School Concurrency application for completeness and accuracy. The applicant shall submit the School Concurrency Application to the School Board through the local government.
- C. The ILA defines the Preliminary Development Requests and the Final Development Requests that are required to apply for school concurrency. The ILA and the School Concurrency Application delineate the required documentation.
- D. The local government shall coordinate with the applicant to submit the required documentation and fees to the School Board for a School Concurrency Application.

## **SCHOOL CONCURRENCY REVIEWS**

- A. Based on the determination by the local government, the type of School Concurrency Application is established and the appropriate review shall be performed by the School Board.
- B. The School Board shall review a completed School Concurrency Application in a timely manner as defined in the ILA.
- C. The School Board performs a School Impact Analysis for both Preliminary Development Requests and Final Development Requests that have submitted a School Concurrency Application. The School Impact Analysis uses the Student Generation Multiplier and the Capacity Elements to calculate available FISH Capacity for a particular School Concurrency Service Area (CSA) and potentially the Adjacent School Concurrency Service Areas. The resulting action is based on the type of development request/School Concurrency Application:
  - a. Preliminary Development Requests will result in a Capacity Determination Letter (CDL) to be issued by the School Board which establishes school capacity availability at that present time only and neither vests nor reserves FISH Capacity for the developer and is non-binding in nature.
  - b. Final Development Requests will result in a School Capacity Availability Determination Letter (SCADL) to be issued by the School Board and if FISH Capacity exists, and the local government issues a CEFoN or equivalent, the proposed development's FISH Capacity is reserved or vested.
- D. A School Concurrency Application may request the conversion of a Capacity Determination to a Concurrency Determination if there is available FISH Capacity and the Capacity Determination Letter was issued within the same School Board reporting year. The same School Impact Analysis is applicable and the School Board issues a SCADL.
- E. An Exemption Review may be requested if a residential development has an unexpired preliminary plat or site plan approval or the functional equivalent for a site specific development order prior to the commencement date of the School Concurrency Program.
- F. Previously vested School Capacity Availability Determination Letters that have an expiration date may apply for a Time Extension if they do not receive a Concurrency Evaluation and Finding of Nondeficiency (CEFoN) or equivalent from the local government prior to the School Board SCADL expiration date.
- G. An Exemption Review may be requested if a residential development has an unexpired preliminary plat or site plan approval or the functional equivalent for a site specific development order prior to the commencement date of the School Concurrency Program.
- H. In the event that a School Impact Analysis determines that there is not sufficient FISH Capacity to accommodate a development request, the applicant may choose to enter into a mitigation process. The resulting agreement is based on the type of School Concurrency Application:
  - a. Preliminary Development Requests may be mitigated by entering a Capacity Enhancement Agreement.
  - b. Final Development Requests may be mitigated by entering a Proportionate Share Mitigation Agreement.

- I. No application for a School Concurrency Review shall be processed if submitted without information as outlined in the ILA and School Concurrency Application, and/or without the application fee(s).
  - a. Application Requirements are outlined in the ILA.
  - b. A standard School Concurrency Application is included in this Administrative Procedure.
  - c. A Concurrency Fee Schedule is included in Administrative Procedure 7130.02, as approved by the School Board.

## **IMPLEMENTATION FLEXIBILITY**

The Board provides to the Superintendent flexibility in the implementation of this Administrative Procedure due to extenuating circumstances. The Superintendent shall notify the Board of any exceptions.

F.S. 163.31777, 163.3180, 1001.41, 1001.42

**August 28, 2014**



# School Board of Brevard County School Facility Planning and Concurrency Application (School Impact Analysis)

**Instructions:** Submit one copy of completed application, location map, and applicable fee for each project with a residential component requiring a review by the School Board of Brevard County **to each affected Local Government.**

The School Board of Brevard County requires this information for student generation to be calculated, school capacity evaluated, and potential mitigation addressed. Local governments require the information to complete their part of the application.

For information regarding this application process, please contact the Planning and Project Management Department of the School Board of Brevard County at 321.633.1000 x463.

Local Government to determine the type of Application:

**FEES: See Brevard County Public School Concurrency Review Fee Schedule. Make check payable to School Board of Brevard County**

## I. Project Information

Project Name: \_\_\_\_\_ County / Municipality: \_\_\_\_\_

Parcel ID / Tax Account #. (attach separate sheet for multiple parcels): \_\_\_\_\_

Location / Address of subject property: \_\_\_\_\_ (Attach location map)

Acreage: \_\_\_\_\_ Type of Request at Local Government \_\_\_\_\_

## II. Ownership / Agent Information

Owner/Contract Purchaser Name(s): \_\_\_\_\_

Agent / Contact Person: \_\_\_\_\_

(Please note that if agent or contact information is completed, the District will forward all information to that person.)

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**I hereby certify the statements and/or information contained in this application with any attachments submitted herewith are true and correct to the best of my knowledge.**

\_\_\_\_\_  
**Owner or Agent Signature**

\_\_\_\_\_  
**Date**

If applicant is not the owner of record, the "Agent for Owner" form (see page 4 of this application form) must be completed and included with this application at time of application submittal. If owner is a company/corporation, please submit documentation that signatory is an authorized officer of the company/corporation.

**State of Florida, County of Brevard**

Sworn and subscribed to before me

This \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
(Form of Identification)

\_\_\_\_\_  
Notary Public

Commission Expires: \_\_\_\_\_

SCHOOL BOARD USE ONLY

Date / Time Stamp: \_\_\_\_\_



**School Board of Brevard County  
School Facility Planning and Concurrency Application  
(School Impact Analysis)**

**III. Development Information**

Current Land Use Designation		Proposed Land Use Designation		
Current Zoning		Proposed Zoning		
Project Acreage				
Total Dwelling Units Proposed				
Dwelling Unit Breakdown (Qty)	Single Family or Town Homes:	Multi-Family or Apartments:	Condo:	Mobile Home / Manufactured:

**Year of Project or Phase Completion: Total Dwelling Units by Type / Year**

Year End 20XX					
Unit Type	Year 1	Year 2	Year 3	Year 4	Year 5+
Single Family / Town Homes					
Multi-Family / Apartments					
Condominium					
Mobile Home / Manufactured					
<b>Totals by Year</b>					

**NOTE:** This application will not be deemed complete until all required information has been submitted to the School Board of Brevard County. Submittal requirements include completed application, phasing information, review fee(s), agent authorization (if applicable) and location map. Please be advised that additional documentation/information may be requested during the review process.

<b>SCHOOL BOARD USE ONLY</b>
Date / Time Stamp: _____



**School Board of Brevard County  
School Facility Planning and Concurrency Application  
(School Impact Analysis)**

**Local Government Agency**

This section is to be completed by the Local Government and submitted to the School Board of Brevard County. The Local Government is responsible for verifying the number of units currently vested under the existing Comprehensive Plan and Zoning or a previously issued School Concurrency Availability Determination Letter.

**Local Government Case #:** \_\_\_\_\_

Please check [✓] type of application request (check only one; as defined by Interlocal Agreement):

- |   |   |
|---|---|
| <input type="checkbox"/> School Capacity Determination (Preliminary Development Requests) | <input type="checkbox"/> Exemption Review |
| <input type="checkbox"/> Capacity Determination Conversion to Concurrency Determination   | <input type="checkbox"/> Time Extension   |
| <input type="checkbox"/> Concurrency Determination (Final Development Requests)           |   |

**Preliminary Development Requests (examples: Rezoning and Comp Plan Amendments):**

Number of Units by Type	Maximum Permitted by Proposal	Currently Permitted (Vested)	Difference
Single Family / Town Homes			
Multi-Family / Apartments			
Condominium			
Mobile Home / Manufactured			
Totals:			

**Note:** The Total Difference will determine if this meets the De Minimis Impact per the Interlocal Agreement.

**Final Development Requests requesting a Concurrency Determination:**

Number of Units by Type	Proposed
Single Family / Town Homes	
Multi-Family / Apartments	
Condominium	
Mobile Home / Manufactured	

\_\_\_\_\_  
**Local Government Reviewer's Signature / Title**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Other Affected Local Governments:**

\_\_\_\_\_  
**Comments:**

<p>SCHOOL BOARD USE ONLY</p> <p>Date / Time Stamp: _____</p>
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School Board of Brevard County  
School Facility Planning and Concurrency Application  
(School Impact Analysis)

**AUTHORIZATION TO ACT AS AGENT**

I, \_\_\_\_\_ authorize \_\_\_\_\_  
(Owner) (Agent)  
to act as applicant, representing me in Public Hearings before \_\_\_\_\_  
(Local Government)  
pertaining to Preliminary and Final Development Requests, and other matters pertaining to  
School Concurrency.

\_\_\_\_\_  
Owner Signature

**State of Florida, County of Brevard**

Sworn and subscribed to before me

This \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
(Form of Identification)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

SCHOOL BOARD USE ONLY
Date / Time Stamp: _____