

**AMENDED INTERLOCAL AGREEMENT FOR PUBLIC  
SCHOOL FACILITY PLANNING FOR THE COUNTY OF  
SARASOTA, FLORIDA**

**(as amended 2008)**

This agreement is entered into between the Sarasota County Commission (hereinafter referred to as "County"), all the legislative bodies of the municipalities including the Town of Longboat Key, the City of North Port, the City of Sarasota, and the City of Venice (hereinafter referred to as "Cities"), and the School Board of Sarasota County (hereinafter referred to as "School Board").

**WHEREAS**, the County, Cities, and the School Board recognize their mutual obligation and responsibility for the education, nurture and general well-being of the children of Sarasota County; and

**WHEREAS**, the County, Cities, and School Board recognize the benefits that will flow to the citizens and students of their communities by more closely coordinating their comprehensive land use and school facilities planning programs: (1) better coordination of new schools in time and place with land development; (2) greater efficiency for the School Board and local governments by the placement of schools to take advantage of existing and planned roads, water, sewer, parks, and drainage systems; (3) improved student access and safety by coordinating the construction of new and expanded schools with the road and sidewalk construction programs of the local governments; (4) the location and design of schools so that they serve as community focal points; (5) the location and design of schools with parks, ball fields, libraries, and other community facilities to take advantage of joint use opportunities; (6) the location of new schools and the expansion and rehabilitation of existing schools so as to reduce pressures contributing to urban sprawl and support existing neighborhoods; and, (7) the coordination on a multi-jurisdictional basis as to the location of new schools, and closure of existing schools, so as to effectively serve municipalities that may not have a school located within their jurisdictions; and

**WHEREAS**, Section 1013.33(10), Florida Statutes, requires that the location of public educational facilities must be consistent with the comprehensive plan and implementing land development regulations of the appropriate local governing body; and

**WHEREAS**, Sections 163.3177(6)(h)1 and 2, Florida Statutes, requires each local government to adopt an intergovernmental coordination element as part of its comprehensive plan that states principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of the School Boards, and describes the processes for collaborative planning and decision making on population projections and public school siting; and

**WHEREAS**, Sections 163.3177(6)(h)2, Florida Statutes, further requires each county, all the municipalities within that county, and the School Board to establish by interlocal or other

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formal agreement executed by all affected entities, the joint processes described above consistent with their adopted intergovernmental coordination element; and

**WHEREAS**, the 2005 Florida Legislature adopted Chapter 2005-98, Laws of Florida (sometimes referred to herein as "Senate Bill 360") which, in relevant part, required that all school interlocal agreements be updated to reflect a new statutory mandate to implement school concurrency; and

**WHEREAS**, the School Board, the County, and the Cities enter into this interlocal agreement in fulfillment of the statutory requirements and in recognition of the benefits accruing to their citizens and students described above; and

**WHEREAS**, the County, Cities, and the School Board have mutually agreed that coordination of school facility planning and comprehensive land use planning is in the best interests of the citizens of the County and Cities; and

**WHEREAS**, the County has jurisdiction for land use and growth management decisions within its unincorporated boundaries, including the authority to approve or deny comprehensive plan amendments, rezonings, or other development orders that generate students and impact the public school system, and the Cities have similar jurisdiction within their boundaries; and

**WHEREAS**, the School Board has the statutory and constitutional responsibility to provide a uniform system of free and adequate public schools on a countywide basis; and

**WHEREAS**, the County, the Cities, and the School Board agree that they can better fulfill their respective responsibilities by working in close cooperation to insure that adequate public school facilities are available for the residents of Sarasota County;

**WHEREAS**, in May 2003, the Interlocal Agreement for Public School Facility Planning was approved by the School Board of Sarasota County, Sarasota County, the Town of Longboat Key, and the Cities of North Port, Sarasota, and Venice. In July 2003, the Florida Department of Community Affairs determined that the Interlocal Agreement was consistent with Florida Statutes. This Interlocal Agreement has been in effect as of July 18, 2003, pursuant to the effective dates contained within the Interlocal Agreement, and is now being amended to comply with the requirements of Chapter 2005-98, Laws of Florida, which in relevant part, required that all school interlocal agreements be updated to implement school concurrency; and

**WHEREAS**, the parties are authorized to enter into this interlocal agreement pursuant to Section 163.01, Section 163.3177(6)(h)2, Section 163.3180(13)(g), Section 1013.33, and Section 163.31777, F. S.

**NOW THEREFORE**, be it mutually agreed between the School Board, the Board of County Commissioners of Sarasota County, and the legislative bodies of Longboat Key, North Port, Sarasota, and Venice that the following procedures will be utilized to better coordinate public school facilities planning and land use planning:

### **Section 1. Joint Meetings**

- 1.1 A staff working group from the County, School Board, and Cities will meet on an as needed basis, but at a minimum of twice per year, and discuss issues regarding coordination of land use and school facility planning, including such issues as population and student enrollment projections, development trends, school sitings, school needs, the implementation of school concurrency, co-location and joint use opportunities, and ancillary infrastructure improvements needed to support the school and ensure safe student access. The School Board staff will be responsible for making meeting arrangements, developing the agenda based on input from the County's administrator, Cities' managers or their designees, and providing notification pursuant to Section 15.
- 1.2 The legislative bodies of the County, the Cities, and the School Board will meet in January of every year in joint workshop or meeting sessions. The joint workshop sessions will be opportunities for the County, the Cities, and the School Board to set direction, discuss issues and reach understandings concerning issues of mutual concern regarding coordination of land use and school facilities planning, including population and student growth, in-county migration, development trends, school needs, off-site improvements, school concurrency, and joint use opportunities. The School Board will be responsible for making meeting arrangements, developing the agenda with input from the County's administrator and from the Cities' managers, and providing notification pursuant to Section 15.

### **Section 2. Student Enrollment and Population Projections**

- 2.1 In fulfillment of their respective planning duties, the County, Cities and the School Board staff agree to coordinate their plans upon the consistent projections of the amount, type and distribution of population growth and student enrollment. Five-year population and student enrollment projections shall be revised annually to ensure that new residential development and redevelopment information provided by the Cities and County pursuant to Section 3.3 are reflected in the updated projections. Projections for 10 and 20 years will be produced as part of the State-mandated Evaluation and Appraisal Report (EAR) preparation, and as needed.
- 2.2 The School Board staff shall utilize the Department of Education (DOE) five-year county-wide student enrollment projections. The School Board staff may make a request to the DOE to adjust its projections to reflect actual enrollment and development trends not anticipated in the DOE projections using the COHORT Projection Waiver available on the DOE website. In formulating such a request, the School Board staff will coordinate with the Cities and County regarding future population projections and growth.
- 2.3 The County and the Cities will use information on County growth and development trends for unincorporated and municipal areas, such as Census information on population and housing characteristics, persons-per-household figures, historic and projected growth

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rates, and the information described in Section 3.3, to project residential units by type and projected price for 5 years and allocate these units into planning areas. The planning areas will be established by mutual consent of the School Board and local government staffs and shall be included in the Data and Analysis for the Public School Facilities Element. The allocation of residential units by type, projected price, and planning area will be provided to the School Board annually.

- 2.4 The School Board staff will evaluate the planning area projections prepared by the County and Cities. The School Board staff, working with the County staff and Cities staffs, will develop and apply student generation multipliers for residential units by type and projected price for schools of each type, considering past trends in student enrollment within a specific planning area in order to project school enrollment. The student generation rates shall be updated at least every 2 years. The school enrollment projections will be included in the Five-Year Capital Facilities Plan provided to the County and Cities each year as specified in subsection 3.1 of this agreement.
- 2.5 *Population Projections:* Coordination regarding the update of the County's and Cities' population projections, their allocation into planning areas, and conversion into projected student enrollment will occur on an annual basis at a staff working group meeting to be held by April 1 of each year. These projections will include consideration of information regarding charter, private, and parochial schools, and home school students. The revised projections and the variables utilized in making the projections will be reviewed prior to the staff working group meeting and discussed by all parties at the staff working group meeting.

### **Section 3. Coordinating and Sharing of Information**

- 3.1 *Five-Year Capital Facilities Plan:* By August 1 of each year, the School Board shall submit to the County and each City the most current tentative five-year capital facilities plan, with a final copy of the plan to be shared after School Board adoption, no later than December 31 of each year. The plan will contain information in tabular, graphic, and textual formats detailing existing and projected school enrollment, existing educational facilities, their locations, the number of portables in use at each school, and projected needs—, including planned facilities with funding over the next 5 years, and the educational facilities representing the district's unmet need. The plan will provide data for each individual school concerning school capacity, based on Department of Education criteria and Section 4.2(a) and (d) below, and enrollment of each individual school based on actual counts. The plan will show the generalized locations in which new schools will be needed and planned renovations, expansions and closures of existing schools for the next 10 and 20 years. The plan will indicate properties the School Board has already acquired through developer donation, or properties that a developer is obliged to provide to the School Board at the School Board's discretion, or properties acquired through other means that are potential school sites. The School Board's officially adopted educational facilities plan will be forwarded to all parties as appropriate.

### CALENDAR OF KEY ANNUAL DEADLINES

<b>January</b>	Joint Workshop or Meeting Session of Legislative Bodies
<b>April 1</b>	Staff working group meeting regarding enrollment projections and any proposed amendments to the school-related comprehensive plan provisions
<b>May 1</b>	Cities' and County's Growth Reports to School Board
<b>August 1</b>	School Board provides Tentative Educational Facilities Plan to County and Cities for review
<b>October 1</b>	Cities and County provide School Board with comments, if any, on Tentative Educational Facilities Plan
<b>December 1</b>	Update of Five-Year Capital Facilities Plan adopted into Cities' and County's comprehensive plans
<b>December 31</b>	School Board's adoption of Five-Year Capital Facilities Plan and provision of a copy of the adopted plan to the County and Cities

#### 3.2 *Public School Facilities Element:*

- (a) *Initial comprehensive plan amendments related to the Public Schools Facilities Element to satisfy Senate Bill 360 requirements:* The amendments to the Public School Facilities Element and related amendments to the Capital Improvements Element and the Intergovernmental Coordination Element in the County's and Cities' comprehensive plans ("school-related element amendments" or "school-related element provisions") required to satisfy Senate Bill 360 are being adopted into the comprehensive plans of the County and Cities subsequent to the execution of this amended interlocal agreement by the County and Cities. 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 revised comprehensive plans and the School Board's educational facilities plan shall be reviewed by the County and Cities each year, at a staff working group meeting to be held no later than April 1, to determine whether revisions to the comprehensive plans are required. At a minimum, the School Board's Five-Year Capital Facilities Plan shall be updated annually by the addition of a new fifth year as provided in Section 4.3. Any other amendments to the comprehensive plans shall be transmitted to allow their adoption concurrently with the update to the School Board's Five-Year Capital Facilities Plan, when feasible.
- (c) *School Board review of school-related element amendments:* All school-related element amendments shall be provided to the School Board at least 60 days prior to transmittal (or adoption if no transmittal is required). The School Board staff shall review the school-related element amendments and provide comments, if any, to the relevant local government either (i) in writing at least 1 week prior to the local planning agency meeting on the school-related element amendment, or (ii) by attending and providing comments at the local planning agency meeting.

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- (d) *Countywide consistency of school-related element amendments:* The County's and Cities' school-related element provisions must be consistent with each other and with the School Board's facilities plans and policies. Each City 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 City 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 counterpart in the County comprehensive plan and other Cities' comprehensive plans. If any school-related element amendment is proposed that affects the uniform district-wide school concurrency system, it shall not become effective until the last party adopts it into its comprehensive plan. Once each City and the County have adopted such a plan amendment and these amendments have all become effective, then the new requirement shall apply countywide. Each City and the County may adopt the School Board's Five-Year Capital Facilities Plan into its comprehensive plan either by reference or by restatement of the relevant portions of that Five-Year Plan, but in no event shall a City or the County attempt to modify that Five-Year Plan. The County and Cities agree to coordinate the timing of approval of school-related element amendments, to the extent feasible.
- (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, the County and Cities shall schedule at least 1 staff working group meeting with the School Board to address needed updates to the school-related plan provisions.
- 3.3 *Growth and Development Trends:* No later than May 1 of each year, the County and Cities will provide the School Board with information regarding the type, number, projected price and location of residential units which have received zoning approval, site plan approval, a building permit, or a Certificate of Occupancy and a draft Capital Improvement Plan (CIP), with the final version of the CIP to be submitted by each local government to the School Board after official adoption no later than December 31 of each year. Information regarding the conversion or redevelopment of housing or other structures into residential units that are likely to generate new students will also be provided. Local governments will also identify any development orders issued which contain a requirement for the provision of a school site as a condition of development approval. The actual students generated from new residential units will be used in the data and analysis for the annual update of the School Board's Five-year Capital Facilities Plan. If at all possible, data required to be submitted in this section should be sent in a format that can be loaded into the Geographic Information Systems (GIS) database maintained by the County.

#### Section 4. Implementation of School Concurrency

- 4.1 This section establishes the mechanisms for coordinating the development, adoption, and amendment of Sarasota County School Board's Five-Year Capital Facilities Plan, as well as the public school facilities, the intergovernmental coordination and the capital improvements elements of the County and Cities' comprehensive plans, in order to implement a uniform districtwide school concurrency system as required by law.
- 4.2 The School Board, County, and Cities agree to the following principles for school concurrency in Sarasota County:
- (a) *Capacity:* The uniform methodology for determining if a particular school is overcapacity shall be determined by the School Board and adopted into the County's and Cities' comprehensive plans. The School Board hereby selects permanent program capacity as the uniform methodology to determine the capacity of each school. Relocatables are not considered permanent capacity. For special purpose schools, the methodology to determine capacity shall be total program capacity, including relocatables.

The School Board staff will determine whether adequate school capacity exists for a proposed development, based on the level of service standards, concurrency service areas, and other standards set forth in this agreement, as follows:

1. Calculate total school facilities by adding the capacity provided by existing school facilities to the capacity of any planned school facilities within the first three years of the Five-Year Capital Facilities Plan.
2. Calculate available school capacity by subtracting from the total school facilities the sum of:
  - a. Used capacity (enrollment);
  - b. The portion of reserved capacity (received certificate of concurrency) projected to be developed within three years;
  - c. The portion of previously approved development (vested from concurrency) projected to be developed within three years; and
  - d. The demand on schools created by the proposed development.

In evaluating a final subdivision or site plan for concurrency, any relevant programmed improvements in the current year, or years 2 or 3 of the Five-Year Capital Facilities Plan shall be considered available capacity for the project and factored into the level of service analysis. Any relevant programmed improvements in years 4 or 5 of the Five-Year Capital Facilities Plan shall not be considered available capacity for the project unless funding to accelerate the improvement is assured through the School Board, through proportionate share mitigation or some other means of assuring adequate capacity will be available within 3 years. The School Board may use relocatable classrooms to provide