



# School Capacity

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## School Planning

### School Concurrency

- With the 2005 adoption of Senate Bill 360 by the Florida Legislature, Florida communities are required to adopt school concurrency by the year 2008. "Concurrency" refers to the provision of adequate public facilities, such as student stations, at the same time these facilities are required by new development or within three years if provided for in a capital improvements program. Orange County is required to adopt school concurrency by December 1, 2008.
- The adoption of Senate Bill 360 also requires that Orange County update its adopted Public School Facilities Element and create and adopt a new "proportionate-share mitigation" option for the "fair share" funding of school facilities. More information about Senate Bill 360 requirements, which includes an Interlocal Agreement, as well as other issues relating to school planning in a growth management context, is available on the Florida Department of Community Affairs (DCA) website: [Florida DCA School Planning Webpage](#)
- School Concurrency became effective in Orange County on September 17, 2008. The implementation of school concurrency required revisions to the Public School Facilities, Capital Improvements, and Intergovernmental Coordination Elements. The revisions to these elements were adopted by [Ordinance # 2008-11](#) (1 MB). School Concurrency requires on-going coordination with Orange County Public Schools; the [Amended Interlocal Agreement](#) (1 MB) for Public School Facility Planning and Implementation of Concurrency details the required coordination and outlines the requisite procedures.

For more information on vested rights or to apply for school concurrency, please contact the Concurrency Management Office at 407-836-0977. For all other questions, please contact Nikki Williams, AICP at 407-836-5882 or [Chenicqua.Williams@ocfl.net](mailto:Chenicqua.Williams@ocfl.net).

## Frequently Asked Questions about School Planning

**What schools serve my neighborhood or proposed development, and do they have capacity?**



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Current [school capacity and enrollment data](#) are on the OCPS website. Along with [attendance zone maps](#) for elementary, middle, and high schools.

### **What is a Capacity Enhancement Agreement (CEA)?**

As part of its review of Comprehensive Plan amendments and rezoning requests that would increase residential density, Orange County Public Schools (OCPS) reports the status of school capacity at schools impacted by the proposed development and the impact of vested projects impacting the same schools. Where capacity will not be available to serve students from new development, the developer may enter into a Capacity Enhancement Agreement (CEA) with OCPS to develop strategies for providing schools or additional funding for capacity enhancement to insure that capacity is available. Proposed CEA's are reviewed by OCPS and, if approved by the School Board, are reflected in binding agreements with the landowners that ensure school capacity would be available to meet the needs of the proposed development.

### **How does the recent Orange County charter amendment affect school planning and Capacity Enhancement Agreements?**

On November 2, 2004, Orange County voters approved Charter Amendment #6 to require joint county and municipal approval of zoning or comprehensive plan amendments affecting overcrowded public schools, which was later implemented through Orange County Ordinance 2006-04 (effective May 9, 2006). As a result, local governments in Orange County defined as "significantly affected" all must approve the proposed change in zoning or residential density in a jurisdiction, if Orange County Public Schools (OCPS) cannot certify that school capacity would be available or provided through a Capacity Enhancement Agreement. An associated interlocal agreement also became effective May 9, 2006, to outline the coordination process between local governments in Orange County, OCPS, and applicants proposing residential rezonings and comprehensive plan amendments. Copies of the [charter amendment and interlocal agreement](#) (3 MB) are available.

### **What can you tell me about school impact fees?**

[School impact fees](#) are a way to recognize the cost of development and land use on the local school system. Orange County school impact fees are charged to all residential development, both in incorporated and unincorporated areas. School impact fees are collected by the County and municipalities and forwarded to the School Board. As of January 28, 2008, school impact fees are \$11,829 for a



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single-family residence, \$6,647 for a multifamily residence, and \$6,344 for a mobile home. The school impact fee study was updated in July 2007 ([School Impact Fee Study](#) 130 KB). Per Ordinance 2007-12, ([School Impact Fee Ordinance](#) 3 MB) the school impact fee will increase by 5% per year on a combination of cost and value indices as set forth in the impact fee study. In the event the School Impact Fee ordinance fee schedule is not updated by January 28, 2011, the impact fees shall continue at the rate effective January 28, 2011, until the fee schedule is updated.

### **What is the School Siting Ordinance?**

The [Orange County Code](#) specifies the zoning categories where the location of school facilities is permitted. Section 38-1753 of the Orange County Code outlines the regulations for siting school facilities. Criteria for school locations, site standards, access to roads and sidewalks, and proximity to municipal services are described in detail to provide a coordinated and comprehensive standard relating to conditions on or impacting a potential school site. Orange County staff will be working with Orange County Public Schools to update the school siting ordinance in early 2007.

### **Why must I pay school property taxes?**

Under Florida law, all properties are assessed for school taxes. The 2006 adopted school millage rate for Orange County is 7.169, of which 4.9540 is the millage set by the State of Florida. This ad valorem tax funds the public school system, including academic instruction, construction, administration, and support services.

### **What can you tell me about the half-cent sales tax for schools?**

In September 2002 Orange County voters approved a half-cent sales tax increase to provide additional funding to build new schools and renovate or replace existing ones. Concurrently, the local school property tax would be reduced by one-half (0.5) mill for as long as the sales surtax is in effect; for a period of 13 years, beginning January 2003 and ending December 2015.

### **What is the Martinez Doctrine?**

Beginning in March 2000, Orange County's practice of linking certain land use changes to school capacity was termed the Martinez Doctrine, after former Orange County Mayor Mel Martinez.



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Under this directive, if a rezoning or comprehensive plan amendment had an adverse impact on schools, staff recommends denials of the request as exceeding the capacity of public infrastructure, which is inconsistent with Orange County's Comprehensive Policy Plan. The adoption of this practice has led to more coordination and information sharing with Orange County Public Schools staff, and created a mechanism where developments denied under the Doctrine can enter into Capacity Enhancement Agreements with the School Board to mitigate adverse impacts. This practice has withstood judicial challenge up to the Florida Supreme Court.