



Interoffice Memorandum

AGENDA ITEM

May 19, 2020

TO: Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director  
Planning, Environmental, and Development  
Services Department

A handwritten signature in black ink, appearing to read "J. Weiss", is written over the printed name of the sender.

SUBJECT: June 2, 2020 - Work Session  
Capacity Enhancement Agreements

This work session is intended to provide the Board with an update on Capacity Enhancement Agreements (CEAs). As you are aware, any comprehensive plan amendment and/or rezoning in Orange County (including its municipalities) that increases residential density must go through a capacity review by Orange County Public Schools (OCPS). If there is insufficient capacity at an impacted school, the developer and OCPS must enter into a CEA. These agreements typically include provisions requiring the pre-payment of impact fees, a timing mechanism, and payment of a "capital contribution" in addition to school impact fees.

In 2019, House Bill 7103 was approved and signed by the Governor and became Chapter 2019-165, Laws of Florida. This legislation now requires a credit against school impact fees on a dollar-for-dollar basis for any contribution related to public education facilities. This credit requirement conflicts with local laws and means that OCPS no longer receives the same benefit from the collection of the capital contribution and is in conflict with local laws. There was an effort to fix this issue in the last legislative session, but in the end there was no resolution. Due to this situation, OCPS currently has all CEA approvals on hold.

During the work session, staff will provide a history of the CEA process and how the Orange County Charter, interlocal agreements, policies, and codes relate to this issue. This work session is for informational purposes only, no action is requested at this time.

The School Board is scheduled to hold a work session on this same issue on May 28, 2020.

JWW:FB