

RESOLUTION NO. 2024-446

1 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, SUPPORTING THE RELEASE OF THE CITIES OF COCONUT
3 CREEK, DANIA BEACH, DAVIE, FORT LAUDERDALE, LAUDERDALE LAKES,
4 LAUDERHILL, MIRAMAR, OAKLAND PARK, PLANTATION, AND PEMBROKE PINES
5 FROM TRI-PARTY EDUCATIONAL MITIGATION AGREEMENTS; DIRECTING
6 TRANSMISSION OF THIS RESOLUTION TO THE MEMBERS OF THE SCHOOL
7 BOARD OF BROWARD COUNTY; AND PROVIDING FOR SEVERABILITY AND AN
8 EFFECTIVE DATE.

9 (Sponsored by Commissioner Lamar P. Fisher)

10
11 WHEREAS, upon application from the cities of Coconut Creek, Dania Beach,
12 Davie, Fort Lauderdale, Lauderdale Lakes, Lauderhill, Miramar, Oakland Park,
13 Plantation, and Pembroke Pines (each a "City" and collectively, "Cities"), the Board of
14 County Commissioners ("Board") approved various County Land Use Plan and Land Use
15 Plan text amendments designating Activity Centers within the Cities' boundaries
16 ("Amendments");

17 WHEREAS, the Amendments were approved between 2003 and 2006, when
18 many public schools were overenrolled;

19 WHEREAS, a condition of approval of the Amendments was for each City to
20 require developers of projects within the Activity Center to mitigate the additional students
21 anticipated to be generated by the residential development;

22 WHEREAS, where the public schools anticipated to serve the Activity Center were
23 overenrolled, the City entered into a Tri-Party Agreement with the County and The School
24 Board of Broward County ("School Board") that required developers to pay student station
25 costs, rather than school impact fees, to mitigate the impact on public schools;

26 WHEREAS, student station costs are determined by the School Board and derived
27 from the cost per student station as determined, published, and amended annually by the
28 State of Florida, representing the cost estimate to construct elementary, middle school,
29 and high schools in Florida;

30 WHEREAS, student station costs generally far exceed the school impact fees for
31 a comparable development, as evidenced by a developer of a 136-unit affordable housing
32 project in the City of Oakland Park having paid One Million Ninety-four Thousand Two
33 Hundred Fifty-six Dollars (\$1,094,256.00) in student station costs for six (6) students
34 anticipated to be generated by the development;

35 WHEREAS, absent the Tri-Party Agreement, the school impact fees that would
36 have been due for the 136-unit project are Eighty-six Thousand Two Hundred Dollars
37 (\$86,200);

38 WHEREAS, student population in Broward County public schools has fallen
39 dramatically and many schools are significantly underenrolled such that the payment of
40 student station costs is no longer necessary;

41 WHEREAS, the student station cost requirement is an obstacle to redevelopment
42 and the development of affordable housing within the Activity Centers;

43 WHEREAS, the Board supports releasing the Cities from the Tri-Party Educational
44 Mitigation Agreements; and

45 WHEREAS, as per the requirements of the County Land Development Code, all
46 development within and without the Activity Centers will be required to mitigate the impact
47 on public schools through the payment of school impact fees, NOW, THEREFORE,

48 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
49 BROWARD COUNTY, FLORIDA:

50 Section 1. The foregoing "Whereas" clauses are true and correct and are made
51 part of this Resolution.

52 Section 2. The Board supports the release of the cities of Coconut Creek, Dania
53 Beach, Davie, Fort Lauderdale, Lauderdale Lakes, Lauderhill, Miramar, Oakland Park,
54 Plantation, and Pembroke Pines from the Tri-Party Educational Mitigation Agreements
55 related to the Activity Centers within their boundaries.

56 Section 3. The Board directs the County Administrator to transmit a copy of this
57 Resolution to each member of The School Board of Broward County.

58 Section 4. Severability.

59 If any portion of this Resolution is determined by any court to be invalid, the invalid
60 portion will be stricken, and such striking will not affect the validity of the remainder of this
61 Resolution. If any court determines that this Resolution, in whole or in part, cannot be
62 legally applied to any individual, group, entity, property, or circumstance, such
63 determination will not affect the applicability of this Resolution to any other individual,
64 group, entity, property, or circumstance.

65 Section 5. Effective Date.

66 This Resolution is effective upon adoption.

ADOPTED this 17th day of September, 2024. (#61)

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Maite Azcoitia 09/12/2024
Maite Azcoitia (date)
Deputy County Attorney

MA/gmb
LPF Release Educational Impact Agreement Resolution
09/12/2024
#44000